



CITY OF MANASSAS, VIRGINIA
CITY COUNCIL MEETING

AGENDA

Mayor
Harry J. Parrish II

City Council
Jonathan L. Way, Vice Mayor
Marc T. Aveni
Sheryl L. Bass
Ken D. Elston
Ian T. Lovejoy
Mark D. Wolfe

City Manager
W. Patrick Pate

City Clerk
Andrea P. Madden

REGULAR MEETING AND PUBLIC HEARINGS
8500 PUBLIC WORKS DRIVE – CONFERENCE ROOM
MONDAY, DECEMBER 14, 2015

5:30 P.M. ORDER OF BUSINESS

CALL TO ORDER

ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

PAGE

CITY ATTORNEY REPORT

CITY MANAGER REPORT

CHIEF OF POLICE REPORT

COUNCIL TIME

MAYOR TIME

CONSENT AGENDA
ACTION ITEMS

All matters listed under the consent agenda are considered to be routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

1. Approve Minutes of Regular Meeting of November 23, 2015 and Special Meetings of December 7, 2015. **(Staff: Andrea P. Madden, City Clerk.)**

2. Consideration of Release of Performance and Erosion and Sediment Bonds for the Following Project: Church Street Parking: Site Plan SP 13-00000005, in Accordance with the Certificate of Compliance Dated December 4, 2015. **(Staff: Jamie Collins, Development Services Manager).** **7**

3. Consideration of Council of Governments (COG) Appointments. **(Staff: Andrea P. Madden, Assistant to the City Manager – City Clerk.)** **11**

4. Consideration of 2016 Potomac Rappahannock Transportation Commission (PRTC) and Virginia Railway Express (VRE) Appointments. **(Staff: Andrea P. Madden, Assistant to the City Manager – City Clerk.)** **13**

5. Consideration of Commendation Commending *Stephen C. Nelson* for His Dedication and Devoted Years of Service as the City’s Representative on the Prince William County/Manassas Convention & Visitors Bureau. **(Staff: Patrick Small, Economic Development Director.)** **15**

6. Consideration of Resolution 2016-06-R: **17**
 - (A) Amending the FY 2016 Budget by Budgeting and Appropriating \$100,000 of State Grant Revenue in the School Operating Fund for the 2015-1026 School Security Equipment Grant Program. **(Staff: Andy Hawkins, Executive Director of Financial Services, MCPS.);**

 - (B) Amending the FY 2016 Budget by Budgeting and Appropriating \$3,000 from Animal Shelter Donations for Veterinary Services. **Staff: Christine Perry, Animal Control.);**

 - (C) Amending the FY 2016 Budget by Budgeting and Appropriating \$4,900 of Museum Collections Committee Fund Balance for Conservation Supplies and Exhibit Services. **(Staff: Mary Helen Dellinger, Museum Curator.);**

(D) Amending the FY 2016 Budget by Budgeting and Appropriating 17\$3,314 of Covington Trust Funds and \$1,186 of General Museum Sponsorship Funds for an Immersive Space Room at the Museum. (Staff: Mary Helen Dellinger, Museum Curator.); and

(E) Amending the FY 2016 Budget by Budgeting and Appropriating \$18,800 of Federal Grant Revenue for the Historical Data Clean-Up Project. (Staff: Bruce Goudarzi, Acting Director of Public Works.)

7. (Reserved for any item to be added)

SUGGESTED MOTION #1:

"I move that Items #, # and # be removed from the Consent Agenda and be added as Items #, # and #, respectively, and that the remaining Consent Agenda items be approved as it now appears and the readings of the ordinances be dispensed".

SUGGESTED MOTION #2:

"I move that the consent agenda be approved and the readings of the ordinances be dispensed".

ORDINANCES AND RESOLUTIONS

8. **ACTION ITEM:** First Reading of Uncodified Ordinance #O-2016-07 Declaring Properties at 9615 Aspen Place and 9710 Pickett Lane as Blighted. (Staff: Elizabeth Via-Gossman, Director of Community Development.) 15 Minutes **39**

9. **ACTION ITEM:** Consideration of Resolution 2016-07-R Amending the FY 2016 Budget by Transferring \$225,000 of Community Investment Committee Fund Balance to Capital Projects for the Abatement of Two Blighted Properties. (Staff: Elizabeth Via-Gossman, Director of Community Development.) 2 Minutes **51**

10. (Reserved for changes from consent agenda)

UNFINISHED BUSINESS

A. Staff Items (Less than three minutes each)

B. Other Items

11. Consideration of the Revised 2016 Legislative Priorities. (Staff: W. Patrick Pate, City Manager.) 5 Minutes
53

12. *(Reserved for changes from consent agenda)*

NEW BUSINESS

A. Staff Items (Less than three minutes each)

B. Other Items

13. Presentation of the Annual Report of the Prince William County/Manassas Convention and Visitors Bureau by President/CEO Ann Marie Maher. (Staff: Patrick Small, Economic Development Director.) **TIME CERTAIN: 6:45 P.M.** 10 Minutes
55

14. *(Reserved for changes from consent agenda)*

BID OPENING

TIME CERTAIN 7:00 P.M.

15. **ACTION ITEM:** Bid Opening on an Extension of (1) A Certain Aircraft Land and Facilities Distributorship Ordinance and (2) A Certain Airport Land Franchise Ordinance. (Staff: Martin Crim, City Attorney.) 5 Minutes
57

ORDINANCE AFTER BID OPENING

16. **ACTION ITEM:** Second Reading of Ordinance #O-2016-06 Soliciting Bids for an Extension of (1) A Certain Aircraft Land and Facilities Distributorship Ordinance and (2) A Certain Airport Land Franchise Ordinance. (Staff: Juan Rivera, Airport Director.) 5 Minutes
59

AWARDS, ACKNOWLEDGMENTS AND PRESENTATIONS

TIME CERTAIN 7:15 P.M.

17. Presentation of Commendation Commending *Stephen C. Nelson* for His Dedication and Devoted Years of Service as the City's Representative on the Prince William County/Manassas Convention & Visitors Bureau. (Presenter: Harry J. Parrish II, Mayor.) 5 Minutes
65

18. *(Reserved for changes from consent agenda)*

CITIZENS' TIME
TIME CERTAIN 7:30 P.M.

19. The citizens' time portion of the agenda is set aside for those citizens who wish to address the Council for less than three minutes each. Citizens need not give prior notice to the City to speak during the citizens' time portion of the agenda. Citizens may address the Council for longer than three minutes if they ask the City Manager for a place on the agenda at least four working days before the meeting.

PUBLIC HEARINGS
7:30 P.M. AFTER CITIZENS TIME

- | | |
|---|-------------------------|
| 20. Public Hearing for Zoning Text Amendment (ZTA) #2015-02, Zoning Ordinance Update – Article X, Board of Zoning Appeals. (Staff: Matthew Arcieri, Planning and Zoning Services Manager.) | 10 Minutes
67 |
| 21. Public Hearing for Rezoning (REZ) #2016-01 and Special Use Permit (SUP) #2016-03, Davis Ford Crossing Proffer Amendment and Sign Package, 9860 and 9879 Liberia Avenue. (Staff: Kelly Davis, Senior Planner.) | 30 Minutes
89 |

CLOSED SESSION

- | | |
|--|--------------------------|
| 22. <u>ACTION ITEM:</u> Consideration of a Motion Authorizing a Closed Meeting on Subjects in Accordance with the Amended Freedom of Information Act. | 30 Minutes
125 |
|--|--------------------------|
- .2-3711 Paragraph A (1) - Appointments to Boards, Committees and Commissions;
 - 2.2-3011 Paragraph A (3) – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, since discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City; and
 - 2.2-3711 Paragraph A (7) (Part 1) – Consultation with legal counsel pertaining to actual or probable litigation, since such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically actual litigation regarding *Niece Penny LLC v. City of Manassas*, Case No. CL15-4202 in the Prince William Circuit Court.

23. **ACTION ITEM**: Consideration of a Motion Certifying That the Closed Meeting was Conducted in Conformity with Virginia Law.

ADJOURNMENT

AGENDA STATEMENT

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Item No. 2

MEETING DATE: December 14, 2015

TIME ESTIMATE: Consent Agenda

AGENDA ITEM TITLE: Bond Release

**DATE THIS ITEM WAS
LAST CONSIDERED
BY COUNCIL:** N/A

**SUMMARY OF
ISSUE/TOPIC:** Request authority to release the Performance and Erosion & Sediment Bonds for the following project
Church Street Parking: Site Plan SP 13-00000005

**STAFF
RECOMMENDATION:** Approval for release of bond.

**BOARD/COMMISSION/
COMMITTEE
RECOMMENDATION:** Approve Disapprove See Comments

CITY MANAGER: WSP Approve Disapprove See Comments

COMMENTS: _____

**DISCUSSION
(IF NECESSARY):** Attached you will find a Certificate of Compliance assuring you that the above referenced project has been inspected and the work has been completed to justify the release.


**BUDGET/FISCAL
IMPACT:** N/A

STAFF: Jamie S. Collins 703-257-8231

CERTIFICATE OF COMPLIANCE

I hereby certify that the work has been completed to justify the release of the bond(s) of the site plans or subdivision listed below, they have been inspected and approved, and I recommend that they be released as follows:

1. Church Street Parking, SP# 13-00000005, release the Performance Bond Agreement (Cash) in the amount of \$16,012.60, and the Erosion & Sediment Bond Agreement (Cash) in the original amount of \$4,503.98.



Jamie Collins
Development Services Manager

12.4.15

Date



Church Street Parking

SP#13-05

FILLER PAGE

AGENDA STATEMENT

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ITEM NO. 3

MEETING DATE: December 14, 2015

TIME ESTIMATE: Consent

AGENDA ITEM TITLE: Consideration of Council of Governments (COG) Appointments.


**DATE THIS ITEM WAS
LAST CONSIDERED
BY COUNCIL:** January 5, 2015

**SUMMARY OF
ISSUE/TOPIC:** The City's appointments to COGs Policy Boards and Committees are approved annually and must be submitted prior to January 8, 2016.

**STAFF
RECOMMENDATION:** Approve the Appointments as indicated in the attached document.

**BOARD/COMMISSION/
COMMITTEE**

RECOMMENDATION: Approve Disapprove Reviewed See Comments

CITY MANAGER:  Approve Disapprove Reviewed See Comments

COMMENTS:

**DISCUSSION
(IF NECESSARY):** None

**BUDGET/FISCAL
IMPACT:** Not Applicable

STAFF:  Andrea P. Madden, Assistant to the City Manager – City Clerk, 703-257-8280
Harry J. Parrish II, Mayor

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS
2016 Solicitation for Appointments: City of Manassas**

INDEPENDENT POLICY BOARDS	Current 2015 Appointment	2016 Appointment
COG Board of Directors (1) Meets monthly from 12 noon to 2:00 p.m.	Jonathan L. Way	Jonathan L. Way
National Capital Region Transportation Planning Board (1) Meets monthly 12 noon to 2:00 p.m.	Jonathan L. Way	Jonathan L. Way
Metropolitan Washington Air Quality Committee (1) Meets monthly 12 noon to 2:00 p.m.	Ian Lovejoy	Ian Lovejoy
POLICY COMMITTEES	Current 2015 Appointment	2016 Appointment
Region Forward Coalition (1) Meets quarterly dates TBD	Sheryl Bass	Sheryl Bass
Human Services and Public Safety Policy Committee (1) Meets bi-monthly 12 noon to 2:00 p.m.	Ian Lovejoy	Ian Lovejoy
Climate Energy and Environment Policy Committee (1) Meets bi-monthly 10:00 a.m. to 12:00 a.m.	Sheryl Bass	Sheryl Bass
Chesapeake Bay and Water Resources Policy Committee (1) Meets bi-monthly 10:00 a.m. to 12:00 a.m.	Mark Wolfe	Mark Wolfe

Notes: *Alternates are shown in italics.*

Instructions:

1. Review current appointments.
2. Refer to the enclosed policy board and committees list for a description of each policy board and committee for which we are requesting an appointment.
3. Appoint or reappoint an elected official for each policy board and committee. Please consider the individual's interest/experience with the committee subject matter, and his/her availability to participate given the noted committee schedule.
4. **Send approved appointments to Laura Ambrosio by January 8, 2016.**
Mailing Address: 777 North Capitol Street, N.E., 3rd Floor Washington, D.C. 20002
Email: lambrosio@mwkog.org
Fax: (202)962-3208

If you have questions please email or call Laura Ambrosio at lambrosio@mwkog.org or (202)962-3278.

AGENDA STATEMENT

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ITEM NO. 4

MEETING DATE: December 14, 2015

TIME ESTIMATE: Consent

AGENDA ITEM TITLE: Consideration of 2016 Potomac Rappahannock Transportation Commission (PRTC) and Virginia Railway Express (VRE) Appointments.

DATE THIS ITEM WAS LAST CONSIDERED BY COUNCIL: January 5, 2015

SUMMARY OF ISSUE/TOPIC: The City's appointments to PRTC and VRE are approved annually and must be submitted prior to December 30, 2015.

STAFF RECOMMENDATION: Approve the Appointments as indicated in the attached memo.

BOARD/COMMISSION/ COMMITTEE

RECOMMENDATION: Approve Disapprove Reviewed See Comments

CITY MANAGER: Approve Disapprove Reviewed See Comments

COMMENTS:

DISCUSSION (IF NECESSARY): None

BUDGET/FISCAL IMPACT: Not Applicable



STAFF: Andrea P. Madden, Assistant to the City Manager – City Clerk, 703-257-8280
Harry J. Parrish II, Mayor



MEMORANDUM
OFFICE OF THE CITY CLERK

9027 Center Street, Suite 101

Manassas, VA 20110

Telephone: (703) 257-8211

Fax: (703) 365-2060

TO: Mayor Harry J. Parrish II

FROM: Andrea Madden, Assistant to the City Manager – City Clerk

A circular stamp containing the handwritten initials "am" in a cursive script.

DATE: December 9, 2015

RE: PRTC and VRE Appointments

The PRTC and VRE are requesting the City Council approve the 2016 appointments to each board prior to the end of the year.

With the City Council's approval, the following names will be submitted to PRTC and VRE

2016 PRTC/VRE Board Representatives

City of Manassas

Jonathan Way PRTC Member-At-Large / VRE Member

Marc Aveni VRE Alternate

Ian Lovejoy PRTC Alternate

AGENDA STATEMENT

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ITEM NO. 5

MEETING DATE: December 14, 2015

TIME ESTIMATE: Consent

AGENDA ITEM TITLE: Consideration of Commendation Commending *Stephen C. Nelson* for His Dedication and Devoted Years of Service as the City's Representative on the Prince William County/Manassas Convention & Visitors Bureau.

DATE THIS ITEM WAS LAST CONSIDERED BY COUNCIL:

SUMMARY OF ISSUE/TOPIC:

STAFF RECOMMENDATION: Approve Commendation to Stephen C. Nelson.

BOARD/COMMISSION/ COMMITTEE:

RECOMMENDATION: Approve Disapprove Reviewed See Comments

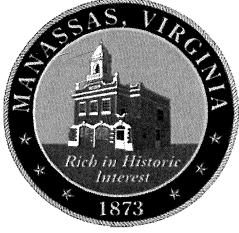
CITY MANAGER: WPP Approve Disapprove Reviewed See Comments

COMMENTS:

DISCUSSION (IF NECESSARY):

BUDGET/FISCAL IMPACT: NA

STAFF: Patrick Small, Economic Development Director, 703-257-8881



Commendation

WHEREAS, Mr. Stephen C. Nelson was appointed to the Prince William County/Manassas Convention & Visitors Bureau in 2006 by the Manassas City Council as representative for the City of Manassas; and

WHEREAS, Mr. Nelson, a long-standing member of the community, worked diligently throughout his tenure on the Board of Directors to support the promotion and advancement of tourism in Prince William County and Manassas; and

WHEREAS, the Board's confidence in Mr. Nelson's leadership was evident in his election to all four of the Convention & Visitor Bureau's Executive Committee seats during his eleven years as a Board member: Board Secretary in 2007; Vice-Chairman in 2008; Chairman of the Board from 2009-2012; and Treasurer from 2013-2015. Mr. Nelson's pragmatic thinking and sound judgment was instrumental in guiding the organization during his tenure; and

WHEREAS, Mr. Nelson further supported the Board by his participation as a member of the Finance Committee, Budget Committee, Nominating Committee and the Sports Tourism Task Force as well as several Advisory committees; and

WHEREAS, Mr. Nelson resigned his position as member of the Board of Directors of the Prince William County/Manassas Convention & Visitors Bureau in September 2015.

NOW, THEREFORE, BE IT RESOLVED that I, Harry J. Parrish II, Mayor of the City of Manassas on behalf of the Manassas City Council and the Prince William County/Manassas Convention & Visitors Bureau, hereby publicly commend and recognize

STEPHEN C. NELSON

for his dedication and devoted service to the Prince William County/Manassas Convention & Visitors Bureau's Board of Directors. Mr. Nelson is wished the best of luck in his future endeavors.

ATTEST:

 Harry J. Parrish II Mayor
 On behalf of the City Council
 of Manassas, Virginia

 Andrea P. Madden City Clerk

AGENDA STATEMENT

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ITEM NO. 6

MEETING DATE: December 14, 2015

TIME ESTIMATE: Consent

AGENDA ITEM TITLE: Consideration of Resolution 2016-06-R

(A)

Amending the FY 2016 Budget by Budgeting and Appropriating \$100,000 of State Grant Revenue in the School Operating Fund for the 2015-2016 School Security Equipment Grant Program

(B)

Amending the FY 2016 Budget by Budgeting and Appropriating \$3,000 from Animal Shelter Donations for Veterinary Services

(C)

Amending the FY 2016 Budget by Budgeting and Appropriating \$4,900 of Museum Collections Committed Fund Balance for Conservation Supplies and Exhibit Services

(D)

Amending FY 2016 Budget by Budgeting and Appropriating \$3,314 of Covington Trust Funds and \$1,186 of General Museum Sponsorship Funds for an Immersive Space Room at the Museum

(E)

Amending the FY 2016 Budget by Budgeting and Appropriating \$18,800 of Federal Grant Revenue for the Historical Data Clean-Up Project

**DATE THIS ITEM WAS
LAST CONSIDERED
BY COUNCIL:**

November 18, 2015 – Finance Committee

**SUMMARY OF
ISSUE/TOPIC:**

(A)

Manassas City Public Schools has been awarded a \$100,000 security equipment grant from the Virginia Department of Education for building upgrades to Haydon & Weems Elementary Schools, Metz Middle School, and Osbourn High School. The School Board approved acceptance of this grant on October 27, 2015. The local match has already been appropriated in the Schools Operating Fund.

This resolution will budget and appropriate \$100,000 of State Grant Revenue in the Schools Operating Fund.

(B)

The City of Manassas Animal Shelter would like to use \$3,000 from the donations received by the Shelter for veterinary services. The Shelter and Animal Control are required by law to seek emergency care for sick and injured animals. They must be taken to the Emergency Veterinary Clinic or Animal Hospital to be treated. There has been a recent increase in injured animals as well as an increase in the cost of emergency care.

This resolution will budget and appropriate \$3,000 of Animal Shelter Donations in the General Fund.

(C)

The Museum would like to purchase a five drawer flat file to house the remainder of the Albert Speiden drawings in the amount of \$1,500. The Museum would like to retain a qualified appraiser for an insurance review of the museum collection in the amount of \$3,400.

This resolution will budget and appropriate \$4,900 of Museum Collections Committed Fund Balance in the General Fund.

(D)

The Museum would like to hire a design firm to create a proposal for the creation of an Immersive Space area in the main gallery of the Museum. Such spaces give visitors better sensory experiences instead of the typical look/read/do not touch experiences of other museum galleries. Visitors will be able to sit down and listen to stories about Manassas history. These spaces could involve lower lighting, audio, video, temperature changes, and other features and are great areas for visitors that might have a visual impairment or have difficulty with movement.

This resolution will budget and appropriate \$3,314 of Covington Trust funds and \$1,186 of General Museum Sponsorship funds in the General Fund.

(E)

City staff applied for and received the EPA Chesapeake Bay Regulatory and Accountability Program grant to fund the Historical Data Clean-Up project. Virginia Department of Environmental Quality (DEQ) approved \$18,800 in funding for the collection and provision of Best Management Practice (BMP) implementation data to improve the Chesapeake Bay Program Phase 6 Watershed Model and meet the reporting requirement under the Chesapeake Bay Preservation Act.

This resolution will budget and appropriate \$18,800 of Federal Pass Thru Grant Revenue in the Stormwater Utility Fund.

STAFF

RECOMMENDATION: Approve Resolution 2016-06-R

BOARD/COMMISSION/ COMMITTEE: Finance Committee (3/0)

RECOMMENDATION: X Approve ___ Disapprove ___ Reviewed ___ See Comments

CITY MANAGER: WSP Approve ___ Disapprove ___ Reviewed ___ See Comments

COMMENTS:

DISCUSSION

(IF NECESSARY):

(B)
The balance in the Animal Shelter Donations account is \$18,375.20

(C)
The Museum Collections Committed Fund Balance was \$12,356.01 as of 6/30/2015

(D)
The balance in the Covington Trust account is \$3,314.41 and the balance in the Museum General Sponsorships account is \$1,413.20

**BUDGET/FISCAL
IMPACT:**

- (A)
\$100,000 – State Grant Revenue
- (B)
\$3,000 – Animal Shelter Donations
- (C)
\$4,900 – Museum Collections Committed Fund Balance
- (D)
\$3,314 – Covington Trust Available Balance
\$1,186 – Museum General Sponsorships Balance
\$4,500 – Total Cost of Proposal
- (E)
\$18,800 – Federal Pass Thru Grant Revenue

STAFF:

- (A)
Andy Hawkins, Executive Director of Financial Services (MCPS), (571) 377-6035
- (B)
Christine Perry, Sergeant, Animal Control, (703) 257-8010
- (C)
Mary Helen Dellinger, Museum Curator, (703) 257-8452
- (D)
Mary Helen Dellinger, Museum Curator, (703) 257-8452
- (E)
Bruce Goudarzi, Acting Director of Public Works, (703) 257-8251

R E S O L U T I O N 2016-06-R

Adopted:

BE IT RESOLVED by the Council of the City of Manassas meeting in regular session this 14th day of December, 2015, that the following funds be budgeted and appropriated as shown.

<u>ACCOUNT NO.</u>			<u>AMOUNT</u>
SCHOOL OPERATING FUND			
<u>Revenue:</u>			
900-0000-324-00-00	State Grant	\$	100,000
<u>Expenditure:</u>			
900-4066-406-90-00	School Security Equipment Grant	\$	100,000
For: School Security Equipment Grant Program			

<u>ACCOUNT NO.</u>			<u>AMOUNT</u>
GENERAL FUND			
<u>Revenue:</u>			
100-0000-318-17-17	Police Donations	\$	3,000
<u>Expenditure:</u>			
100-1745-421-31-00	Veterinary Services	\$	3,000
<u>Actual Transfers:</u>			
100-0000-221-17-23	\$3,000.00 Animal Shelter Donations		
For: Animal Shelter Donations for Veterinary Services			

<u>ACCOUNT NO.</u>		<u>AMOUNT</u>
GENERAL FUND		
<u>Revenue:</u>		
100-0000-346-01-01	Committed Fund Balance	\$ 4,900
<u>Expenditures:</u>		
100-3101-453-39-12	Exhibit Services	\$ 3,400
100-3101-453-62-10	Conservation Supplies	\$ 1,500
		<u>\$ 4,900</u>

Actual Transfers:

100-0000-251-17-00 \$4,900.00 Museum Collections Committed Fund Balance

For: Museum Collection Committed Fund Balance for Exhibit Services/Conservation Supplies

<u>ACCOUNT NO.</u>		<u>AMOUNT</u>
GENERAL FUND		
<u>Revenue:</u>		
100-0000-318-31-02	Museum Donations	\$ 4,500
<u>Expenditure:</u>		
100-3101-453-39-12	Exhibit Services	\$ 4,500
<u>Actual Transfers:</u>		
100-0000-221-31-78	\$3,314.41	Covington Trust Funds
100-0000-221-31-07	<u>\$1,185.59</u>	General Museum Sponsorships
	\$4,500.00	

For: Trust Funds for Immersive Space in Main Gallery at Museum

<u>ACCOUNT NO.</u>			<u>AMOUNT</u>
STORMWATER UTILITY FUND			
<u>Revenue:</u>			
550-0000-333-25-71	Federal Pass Thru Grant (CFDA 66.466)	\$	18,800
 <u>Expenditure:</u>			
550-2571-431-39-00	Purchased Services	\$	18,800
For: VDEQ Historical BMP Data Clean-up Project			

This resolution shall take effect upon its passage.

 Harry J. Parrish II MAYOR
 On Behalf of the City Council
 of Manassas, Virginia

ATTEST:

 Andrea P. Madden City Clerk

School security Equipment Grant Project List

Metz

24 LED wall pack light fixtures –exterior building locations

10 LED up light flood fixtures-exterior building locations

100 LED light fixture upgrades –interior hallways

Haydon

New Access control doors

Weems

36 LED wall pack light fixtures-exterior building locations

New Access control doors

Osborn

New Access control doors

24

School Security Equipment Grant Application

Manassas City Public Schools

Grant Year: 2015

Grant ID: SEG15-143

Submitted By: Russ Helton 07/28/2015

Grant Status: Final

Approved By: Catherine Magouyrk 07/28/2015

DIVISION SUMMARY

Schools Included in the Application	Estimated Equipment Cost
Grace E. Metz Middle	\$25,500.00
Osborn High	\$46,084.61
Richard C. Haydon Elementary	\$19,466.63
Weems Elementary	\$34,235.26

Estimated Total Cost of All Projects: \$125,286.50

(Total of all school equipment estimated costs)

Requested Grant Amount if all projects are approved and selected: \$100,000.00

(If approved, state funds to be applied to the grant)

Requested Local Match if all projects are approved and selected: \$25,000.00

(25% of the state amount)

Grant Amount Awarded: \$100,000.00

Required Local Match: \$25,000.00

School Security Equipment Grant Application

Grace E. Metz Middle
9950 Wellington Road
Manassas, VA 20110-5895

Grant Year: 2015
Grant ID: SEG15-143

Built In: 1990

Included in Award: Yes

Qualifying Questions	Answers
Is there Currently Security equipment installed in in this school, such as items listed in the instructions?	Yes
Did a previous school security audit specifically identify or recommend the need for the security equipment being request through this grant?	Yes
Does this school have an Uninterrupted Power Supply(UPS) power backup system dedicated to support the security equipment in place?	No

Equipment Description	Estimated Cost	Status
Security Lighting Systems - twenty-four (24) LED wall pack light fixtures and ten (10) LED upright flood light fixtures at the building entrances and entrance grounds.	\$10,500.00	Qualified
Security Lighting Systems - 100 LED light fixture upgrades	\$15,000.00	Qualified

26

School Security Equipment Grant Application

Osbourn High
9005 Tudor Ln
Manassas, VA 20110-5756

Grant Year: 2015
Grant ID: SEG15-143

Built In: 1953

Included in Award: Yes

Qualifying Questions	Answers
Is there Currently Security equipment installed in in this school, such as items listed in the instructions?	Yes
Did a previous school security audit specifically identify or recommend the need for the security equipment being request through this grant?	Yes
Does this school have an Uninterrupted Power Supply(UPS) power backup system dedicated to support the security equipment in place?	No

Equipment Description	Estimated Cost	Status
Electronic Access Control Systems to six (6) additional doors.	\$32,724.76	Qualified
Backup Technology Equipment - Avigilon Hotstandby - Auto-Failover system to be located at the Osbourn. This system will support division-wide access control doors.	\$13,359.85	Qualified

School Security Equipment Grant Application

Richard C. Haydon Elementary
 9075 Park Ave
 Manassas, VA 20110-4317

Grant Year: 2015
 Grant ID: SEG15-143

Built In: 1979

Included in Award: Yes

Qualifying Questions	Answers
Is there Currently Security equipment installed in in this school, such as items listed in the instructions?	Yes
Did a previous school security audit specifically identify or recommend the need for the security equipment being request through this grant?	Yes
Does this school have an Uninterrupted Power Supply(UPS) power backup system dedicated to support the security equipment in place?	No

Equipment Description	Estimated Cost	Status
Electronic Access Control Systems on four (4) additional exterior entrance doors.	\$19,466.63	Qualified

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School Security Equipment Grant Application

Weems Elementary
8750 Weems Rd
Manassas, VA 20110-4999

Grant Year: 2015
Grant ID: SEG15-143

Built In: 1977

Included in Award: Yes

Qualifying Questions	Answers
Is there Currently Security equipment installed in in this school, such as items listed in the instructions?	Yes
Did a previous school security audit specifically identify or recommend the need for the security equipment being request through this grant?	Yes
Does this school have an Uninterrupted Power Supply(UPS) power backup system dedicated to support the security equipment in place?	No

Equipment Description	Estimated Cost	Status
Security Lighting Systems - 36 LED wall pack light fixtures to improve the lighting around the building and entrances.	\$12,096.00	Qualified
Electronic Access Control Systems for four (4) additional exterior entrance doors.	\$22,139.26	Qualified

GM200I02
Fiscal year 2016

CITY OF MANASSAS
Account Balance Inquiry

11/09/15
09:13:45

Account number . . : 100-0000-221.17-23 Db/Cr . . : C

Fund : 100 General Fund
 Department : 00
 Division : 00
 Activity basic . . . : 22 Current Liability
 Sub activity : 1 Other Deposits
 Element : 17 Police Department
 Object : 23 Animal Shelter Donations

	<u>Debits</u>	<u>Credits</u>	<u>Account balance</u>
			.00
Current :	16,674.84	33,374.68	
Unposted :	.00	1,675.36	
Total :	16,674.84	35,050.04	18,375.20

F7=Project data
F11=Account activity

F8=Misc inquiry
F12=Cancel

F16=Pending trans

F10=Detail trans
F24=More keys

30

GM200I02
Fiscal year 2016

CITY OF MANASSAS
Account Balance Inquiry

10/23/15
09:37:52

Account number . . : 100-0000-251.17-00 Db/Cr . : C

Fund : 100 General Fund
 Department : 00
 Division : 00
 Activity basic . . . : 25 Fund Balance
 Sub activity : 1 Committed
 Element : 17 Museum Collections
 Object : 00

	<u>Debits</u>	<u>Credits</u>	<u>Account balance</u>
			.00
Current :	.00	12,356.01	
Unposted :	.00	.00	
Total :	.00	12,356.01	12,356.01

F7=Project data
F11=Account activity

F8=Misc inquiry
F12=Cancel

F16=Pending trans

F10=Detail trans
F24=More keys

GM200I02
Fiscal year 2016

CITY OF MANASSAS
Account Balance Inquiry

11/09/15
09:09:14

Account number . . : 100-0000-221.31-78 Db/Cr . : C

Fund : 100 General Fund
 Department : 00
 Division : 00
 Activity basic . . . : 22 Current Liability
 Sub activity : 1 Other Deposits
 Element : 31 Museum System
 Object : 78 Covington Trust

	<u>Debits</u>	<u>Credits</u>	<u>Account balance</u>
			.00
Current :	3,313.10	6,626.62	
Unposted :	.00	.89	
Total :	3,313.10	6,627.51	3,314.41

F7=Project data F8=Misc inquiry F10=Detail trans
 F11=Account activity F12=Cancel F16=Pending trans F24=More keys

32

GM200I02
Fiscal year 2016

CITY OF MANASSAS
Account Balance Inquiry

11/09/15
09:09:34

Account number . . : 100-0000-221.31-07 Db/Cr . . : C

Fund : 100 General Fund
 Department : 00
 Division : 00
 Activity basic . . . : 22 Current Liability
 Sub activity : 1 Other Deposits
 Element : 31 Museum System
 Object : 07 General Sponsorships

	<u>Debits</u>	<u>Credits</u>	<u>Account balance</u>
			.00
Current :	912.40	1,825.35	
Unposted :	.00	500.25	
Total :	912.40	2,325.60	1,413.20

F7=Project data
F11=Account activity

F8=Misc inquiry
F12=Cancel

F16=Pending trans

F10=Detail trans
F24=More keys

Scope of Service

Grantee:	City of Manassas	Contact Person:	Sung Jin Chung, Engineer
DUNS #:	03-034-2448	Phone Number:	(703) 237-8228
Federal ID #:	54-6001411	Email:	schung@ci.manassas.va.us
Mailing Address:	8500 Public Works Drive	Invoice Payable To:	City of Manassas
City, State, Zip:	Manassas, VA 20110-8415	Checks Payable To:	
Project Title:	VDEQ Historical BMP Data Clean-Up Project		
Grant Period:	Start:	June 1, 2015	End: October 1, 2015

DEQ Project Manager:	Rebecca Shoemaker	Project Manager Email:	Rebecca.Shoemaker@deq.virginia.gov
CBRAP Funds:	\$18,800.00	Match Funds:	\$0.00

DEQ has received grants from the United States Environmental Protection Agency under the Chesapeake Bay Regulatory and Accountability (CBRAP), Catalog of Federal Domestic Assistance Number 66.466. This Agreement is a sub-grant award, from DEQ to the Grantee, of said federal grant funds. As a sub-grant award, this contract is subject to applicable EPA statutory and regulatory provisions pursuant to Title 40 CFF chapter 1 parts 1-49 and the cost principles enumerated in the appropriate code of federal regulations.

A) GENERAL PROVISIONS

The Grantee shall provide the services to DEQ set forth in the Agreement documents and, specifically, as defined in this Scope of Service and the accompanying Application. All deliverables shall conform to accepted standards and practices.

In addition to the signed contract, the Agreement documents shall consist of:

- 1) Scope of Service (this document)
- 2) Attachment A – Quarterly Progress Report Summary
- 3) Attachment B – Project Financial Report
- 4) Attachment C – Historical BMP Reporting Template

B) PROGRESS REPORTING

The Grantee shall provide DEQ with one quarterly report that details the progress of work set forth in the Agreement documents. The quarterly report will consist of a completed Quarterly Progress Report Summary (Attachment A) and will be due on **July 1, 2015**. The quarterly report should be submitted electronically to Lara Kling (lara.kling@deq.virginia.gov) and the project manager should be CC'd.

The final report Grantee will provide a detailed narrative describing the actual procedures and processes used to acquire, validate, and report the historical urban best management practice data. The final report will be due no later than the termination of the grant agreement.

C) REIMBURSEMENT REQUESTS

Reimbursement requests will be submitted according to the Payment Schedule outlined in the Application. Each request shall include the following information and adhere to the following standards:

- 1) **Project Financial Report (Attachment B):** The Grantee will summarize expenses incurred in the appropriate columns under “DEQ Funds” and Grantee contributions under “Match Funds.” This form also serves as the reimbursement request, or invoice, for the Grantee; therefore, only electronic copies with the original authorized signature will be accepted by DEQ. Original Attachment Bs must be kept on file by the Grantee for a minimum of 5 years. Reimbursement requests should be based upon actual expenditures and need to relate to the grant scope of work to be authorized. If reimbursement for staff expenditures is included, appropriate documentation of staff time is required, as described in the terms and conditions of this grant agreement.
- 2) **Financial Narrative:** The Grantee shall submit a financial narrative that includes itemized details of expenditures by budget category. This narrative may be submitted in lieu of receipts; however, DEQ may request receipts and detailed financial accounting if the financial narrative does not provide enough detail to justify expenditures. The financial narrative should include any required employee time reporting forms required to meet federal reporting rules as outlined in the available Grant Project Management Manual <http://www.deq.virginia.gov/programs/water/cleanwaterfinancingassistance/nonpointsourcefunding/grantprojectmanagementmanual.aspx>

Reimbursement requests shall:

- Be submitted for the Grantee’s actual costs
- Be submitted in accordance with the “General Terms and Conditions,” as applicable, for “Food/Refreshments” and/or “Employee Administration and Costs”
- Be for a minimum of \$1,000 (i.e. an aggregate of all applicable budget categories / line items). The DEQ will not process a reimbursement request for less than \$1,000.
- As applicable, shall not exceed the current Commonwealth of Virginia (“COVA”; refer to the “Commonwealth Accounting Policies and Procedures (CAPP) Manual”/ “Travel Regulations” at http://www.doa.virginia.gov/Admin_Services/CAPP/CAPP_Alpha_Listing.cfm/ local per diem schedule;
- Relate to the grant scope of work
- Be included in the Grantee’s Financial Narrative

Submission Requirements: The Grantee shall submit all reports and reimbursement requests:

- Via email to DEQ’s Office of Financial Management at OFM@DEQ.virginia.gov with a carbon copy to the assigned DEQ project manager, **Rebecca Shoemaker** (Rebecca.Shoemaker@deq.virginia.gov) and Lara Kling (lara.kling@deq.virginia.gov); the E-mail shall include the grant agreement (contract) number in the subject line

- A cover memo shall be included, followed by the Project Financial Report (Attachment B)
- According to the schedule outlined in the Application. The final reimbursement request must be submitted with the final report. DEQ will not reimburse any requests received more than 30 days after the Agreement termination date.

Incomplete or inaccurate reports may result in reimbursement delays. These reports shall be certified by an authorized agent of the Grantee as being true and accurate to the best of the Grantee's knowledge, as indicated by their signature on Financial Report (Attachment B). The DEQ will not reimburse the Grantee for any unauthorized expense.

D) COMPENSATION:

DEQ shall release the grant award to the Grantee on a cost-reimbursement basis upon receipt and approval of the Grantee's quarterly and final reports and deliverables as required by this Agreement and in the associated Milestone Table (Attachment C), or at other times agreed to by DEQ.

This agreement provides a grand total of **\$18,800.00** in Chesapeake Bay Implementation Grant funding (*matched by \$0.00 in other funds*) to the Grantee through **October 1, 2015**. All expenditures and reimbursement requests should follow the budget narrative included in Section G (Budget Narrative) of this Scope of Service and should utilize the Project Financial Report (Attachment B) included in this contract. Shifts of the funds among budget line items and categories by the Grantee must be approved in writing by DEQ.

Any unspent funding remaining on **October 1, 2015** will **revert to DEQ**. *All projects, practices and activities must be installed, completed, and paid by October 1, 2015*. Any cost overruns incurred by the Grantee during the time of performance shall be the responsibility of the district.

E) MATCHING FUNDS:

If this Agreement is contingent upon cash and in-kind contributions by the Grantee to the project, the required amount of matching funds will be indicated on the Project Financial Report Form, Attachment B. Matching contributions, if applicable, must reflect expenses directly related to the implementation of this project and incurred only during the time of performance listed in this Agreement. The decision of DEQ with respect to approval of matching funds shall be final. Matching funds must be tracked and reported to DEQ in the quarterly and final reports described above.

F) PROGRAM OBJECTIVES, DELIVERABLES, AND TIMELINE

See Attached "Scope of Services and Fee Proposal", *Pages 1-3*

G) PROJECT BUDGET NARRATIVE

See Attached "Scope of Services and Fee Proposal", *Page 4 and "City of Manassas 2015 DEQ Historical Data Cleanup Grant Budget"*

Attachmnet B - Project Financial Report Form

COMMONWEALTH OF VIRGINIA - DEPARTMENT OF ENVIRONMENTAL QUALITY				
DEQ Grant Agreement # 16088				
Chesapeake Bay Regulatory and Accountability Program (CBRAP)				
Grantee:	City of Manassas	Contact Person:	Sung Jin Chung, Engineer	
DUNS #:	03-034-2448	Phone Number:	(703) 237-8228	
Federal ID #:	54-6001411	Email:	schung@ci.manassas.va.us	
Mailing Address:	8500 Public Works Drive	Invoice Payable To:	City of Manassas	
City, State, Zip:	Manassas, VA 20110-8415	Checks Payable To:		
Project Title:	VDEQ Historical BMP Data Clean-Up Project			
Grant Period:	Start:	6/1/2015	End: 10/1/2015	
Narrative Summary of Reimbursement Request:				
DEQ Funds (Federal)	Project Budget	Current Expenditures	Cumulative Expenditures	Unexpended Project Balance
Personnel	\$ -			\$ -
Fringe	\$ -			\$ -
Travel	\$ -			\$ -
Equipment	\$ -			\$ -
Supplies	\$ -			\$ -
Contractual	\$ 18,800.00			\$ 18,800.00
Construction	\$ -			\$ -
Other Direct	\$ -			\$ -
TOTAL	\$ 18,800.00	\$ -	\$ -	\$ 18,800.00
Total Reimbursement Request: \$ -				
MATCH Funds	Project Match Budget	Current Match Expenditures	Cumulative Match Expenditures	Unexpended Match Balance
Personnel	\$ -			\$ -
Fringe	\$ -			\$ -
Travel	\$ -			\$ -
Equipment	\$ -			\$ -
Supplies	\$ -			\$ -
Contractual	\$ -			\$ -
Construction	\$ -			\$ -
Other Direct	\$ -			\$ -
Indirect	\$ -			\$ -
TOTAL	\$ -	\$ -	\$ -	\$ -
Authorized Signature: _____ Date: _____				

*For an electronic copy of this form contact the DEQ Project Manager

Attachmnet B - Project Financial Report Form

FOR DEQ PURPOSES ONLY:

INVOICE NUMBER: _____

CFDA	Fund/Detail	Cost Code	FY(State)	Amount
66.466	1000	609	15	\$ 18,800.00
<u>Object</u>	<u>Program</u>	<u>Project/Task/Phase</u>		
1441	51502	61800 / 20 / 12		
<u>Fund Type</u>	<u>Budget</u>	<u>Total Request</u>	<u>Balance</u>	
	\$ 18,800.00	\$ -	\$ 18,800.00	

*For an electronic copy of this form contact the DEQ Project Manager

FILLER PAGE

MEETING DATE: December 14, 2015

TIME ESTIMATE: 15 Minutes

AGENDA ITEM TITLE: First Reading of Uncodified Ordinance #O-2016-07 Declaring Properties at 9615 Aspen Place and 9710 Pickett Lane as Blighted

DATE THIS ITEM WAS LAST CONSIDERED BY COUNCIL:

SUMMARY OF ISSUE/TOPIC: The Georgetown South Community has asked the City Council to consider the acquisition of two blighted properties under Virginia Code Section 36-49.1:1, Spot Blight Abatement. The properties are located at 9615 Aspen Place and 9710 Pickett Lane in Georgetown South.

STAFF RECOMMENDATION: Approve Uncodified Ordinance #O-2016-07 Declaring Properties at 9615 Aspen Place and 9710 Pickett Lane as Blighted on first reading

BOARD/COMMISSION/ COMMITTEE: Land Use Committee (2/0, 1 absent)

RECOMMENDATION: X Approve ___ Disapprove ___ Reviewed ___ See Comments

CITY MANAGER: WP Approve ___ Disapprove ___ Reviewed ___ See Comments

COMMENTS:

DISCUSSION (IF NECESSARY): See Attached Staff Report.

BUDGET/FISCAL IMPACT: \$225,000 of Community Investment Committed Fund Balance

STAFF: Elizabeth S. Via, AICP, Director, Community Development (703) 257-8224

ORDINANCE #O-2016-07

First Reading	December 14, 2015
Second Reading	_____
Enacted	_____
Effective	_____

AN UNCODIFIED ORDINANCE DECLARING PROPERTIES AT 9615 ASPEN PLACE AND 9710 PICKETT LANE AS BLIGHTED

WHEREAS, The City Council is granted power by City Charter and the Code of Virginia to protect the health, safety and welfare of the community, including by the abatement of blight, and

WHEREAS, In 1994 the City Council designated the Georgetown South Community as a conservation and rehabilitation district, and in 2002 the City Council redesignated Georgetown South as a rehabilitation district; and

WHEREAS, The Georgetown South Community has made great strides in reducing blight and increasing owner occupancy, despite the nationwide collapse of the housing market in 2008-09, but requires City intervention if it is to avoid the recurrence of blighted properties; and

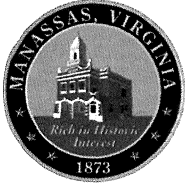
WHEREAS, The City Manager of Manassas has made a preliminary determination that the properties at 9615 Aspen Place and 9710 Pickett Lane (hereinafter, “the Properties”) are blighted in accordance with Chapter 1 of Title 36, Code of Virginia, and on August 3, 2015 sent notice to the owner of record giving him 30 days from the date the notice was sent in which to respond in writing with a spot blight abatement plan to address the blight within a reasonable time; and

WHEREAS, the owner of record has not responded to the City Manager’s August 3, 2015 letter and has not provided the City with an acceptable spot blight abatement plan, and the City Manager has accordingly developed a spot blight abatement plan for the Properties and requested the City Council to declare the Properties as blighted; and

WHEREAS, the City Council finds, based on the report of the City Manager, that

1. The Properties are blighted as that term is defined in Virginia Code Section 36-49.1:1 (C) and (D) and in City Code § 70-93 (c); and
2. The Properties endanger public health or safety, per Virginia Code Section 1-219.1; and
3. The Properties are currently unoccupied, so that condemnation of the Properties will not displace any person living on the premises, per Virginia Code Section 36-49.1:1 (F).

NOW, THEREFORE,



CITY OF
MANASSAS, VIRGINIA

Spot Blight Abatement Plan

December 3, 2015

9615 Aspen Place

9710 Pickett Lane

Owner: Samuel H. King

3000 Sherwood Hall Lane

Alexandria, VA 22306-3150

On July 24, 2015, City officials did inspect the above referenced properties and found that the properties meet the definition of "Blighted Property" as defined in Virginia Code Section 36-3. See the Damage Reports for the listed properties, prepared by the City Department of Community Development, Division of Development Services (attached). The property owner was notified by letter mailed on August 3, 2015. The property owner failed to provide an acceptable blight abatement plan within 30 days as prescribed by law.

Therefore the City proposes a spot blight abatement plan whereas the City will acquire the properties by purchase or through the exercise of the power of eminent domain. The City shall then offer the properties for sale under the condition that the properties be rehabilitated to meet minimum building code within 90 days or such time as may be reasonable based upon the repairs that need to be effectuated. As an alternative the City may itself effectuate the repairs prior to the sale of the property.

Attachment 1**CITY OF MANASSAS DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF DEVELOPMENT SERVICES
DAMAGE REPORT**

Property Address: 9615 Aspen
Type of Building: 2 Bedroom, Residential Townhouse
Owner's Name: Samuel H. King
Owner's Address: 3000 Sherwood Hall Lane
Alexandria, VA 22306-3150

Nature of Request: Standards for blight

Condemned Structure – not at this time, requires interior inspection
Rate and Rodent Infestation – No exterior evidence
Previous Citations- yes
Inadequate Facilities – unknown, requires interior inspection
Potential Trespass – yes
Nuisance to children - yes
Fire Hazard – unknown, requires interior inspection
Substantial dilapidation - yes

Person Taking Initial Report: Tracey O'Connor, Jamie Collins **Date/Time:** 7/24/15 8:30 AM

Name of Requestor: Elizabeth Via-Gossman, AICP, Director, Community Development

Description of Disrepair: (Exterior Inspection Only)

Exterior deterioration of gutters and fascia
Exterior inspection only
Exterior deterioration of gutters and fascia
Yard maintenance being performed by City of Manassas
Rear shed unsecure and missing siding
Deterioration of wood framing
Unresolved PCE cases December 2014 and July 2015
Sent To City Attorney in March for PCE

Attachment 2**CITY OF MANASSAS DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF DEVELOPMENT SERVICES
DAMAGE REPORT**

Property Address: 9710 Pickett Lane
Type of Building: Residential Townhouse
Owner's Name: Samuel H. King
Owner's Address: 3000 Sherwood Hall Lane
Alexandria, VA 22306-3150

Nature of Request: Standards for blight

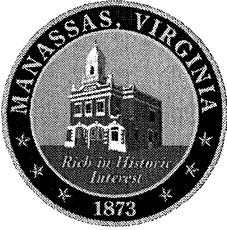
Condemned Structure – not at this time, requires interior inspection
Rate and Rodent Infestation - yes
Previous Citations- yes
Inadequate Facilities – unknown, requires interior inspection
Potential Trespass - yes
Nuisance to children - yes
Fire Hazard – unknown, requires interior inspection
Substantial dilapidation - yes

Person Taking Initial Report: Tracey O'Connor Jamie Collins **Date/Time:** 7/24/15 9 AM

Name of Requestor: Elizabeth Via-Gossman, AICP, Director, Community Development

Description of Disrepair:

Exterior deterioration of gutters and fascia
Yard maintenance being performed by City of Manassas
Rear shed unsecure and missing siding
Roof damage, shingles missing, roof framing exposed
Evidence of rodent infestation
Criminal complaint June 2014, December 2014, May 2015
Unresolved PCE cases June 2014, July 2014, Jan. 2015, and July 2015
Fire Department entered structure 2015 due to a fire in neighboring address
Property secured (boarded up) by City of Manassas



CITY OF MANASSAS, VIRGINIA

Elizabeth S. Via-Gossman, AICP
Director, Community Development

COMMUNITY DEVELOPMENT
9027 Center Street
Manassas, VA 20110

Facsimile: 703/257-5117
Telephone: 703/257-8223

MAYOR
Harry J. Parrish II

CITY COUNCIL
Jonathan L. Way, Vice Mayor
Marc T. Aveni
Sheryl L. Bass
Ken D. Elston
Ian T. Lovejoy
Mark D. Wolfe

CITY MANAGER
W. Patrick Pate

STAFF REPORT

DATE: December 8, 2015

TO: The Hon. Harry J. Parrish, II, Mayor
The Hon. Jonathan Way, Vice-Mayor
The Hon. Marc Aveni, Councilmember
The Hon. Sheryl L. Bass, Councilmember
The Hon. Ken D. Elston, Councilmember
The Hon. Ian T. Lovejoy, Councilmember
The Hon. Mark D. Wolfe, Councilmember

THRU: W. Patrick Pate, City Manager

FROM: Elizabeth S. Via-Gossman, AICP, Director

RE: Consideration of Ordinance #O-2016-07 Declaring Properties at 9615 Aspen Place and 9710 Pickett Lane as Blighted; Acquiring the Properties by Purchase or Eminent Domain

Request

Staff recommends that the City Council adopt Ordinance #O-2016-07 declaring the properties at 9615 Aspen Place and 9710 Pickett Lane in the Georgetown South neighborhood as blighted under Chapter 1 of Title 36 of the Code of Virginia. Staff further recommends that the City Council adopt Resolution #2016-7-R amending the FY16 budget by transferring \$225,000 of Community Investment Committed Fund Balance in the General Fund to Capital Projects for the abatement of the two blighted properties which may include acquisition of the properties by purchase or eminent domain.

December 8, 2015

Page 2

Background

Representatives of the Georgetown South Community Association and the non-profit, Virginians Organized for Interfaith Community Engagement (VOICE) have asked the City Council to consider the acquisition of blighted properties under Virginia Code Section 36-49.1:1. The community and VOICE identified several properties in the Georgetown South community that they felt were blighted and a detriment to the health, welfare and safety of their community. The various properties were researched by the Department of Community Development which included several that the department has enforcement action pending. The following two properties were determined to meet the threshold for spot blight abatement under Chapter 1 of Title 36 of the Code of Virginia. Each of these properties is vacant and has no active utility account but is current on taxes.

They are both owned by Mr. Samuel King of Alexandria.

- 9615 Aspen Place
- 9710 Pickett Lane

The City has issued several corrective work orders and notices of violation which have not resulted in any response from Mr. King. Most recently, the City attempted to prosecute Mr. King for failing to comply with our property maintenance codes and the Fairfax Sheriff's Department made several attempts at service but were unable to find him at home. Both properties were inspected on July 24th and both properties were determined to meet the standards for blight under the State code as determined by the City's Building Official and Property Maintenance Official.

Staff initiated the first step under the code by notifying Mr. King of the City's preliminary determination that the properties are blighted. The code provides 30 days for Mr. King to respond. As of the writing of this memorandum Mr. King had not replied. The City Council's Land Use Committee took up the matter on September 24th and October 22nd. On September 24th the Committee directed the Staff to undertake an appraisal of both of the properties. On October 1st a second letter was sent to Mr. King requesting access to the interior of the units for the purposes of conducting the appraisal. As of the writing of this memorandum Mr. King has not replied. The appraisals were conducted based on visual inspection of the exterior only. The appraisal on each unit was \$105,000. The Staff presented this information to the Land use Committee on October 22nd and by 2/0 vote (Lovejoy absent) was directed to move forward to the City Council Finance Committee for a recommendation to the City Council on appropriating \$225,000 to acquire the blighted properties. The City Council's Finance Committee took the matter up on November 18, 2015 and voted 2/1 to recommend to the City Council that the funds be appropriated. The Vice Mayor requested that the City Council presentation include an overview of other options.

December 8, 2015

Page 3

Spot Blight Abatement Process and Options

State and local governments have long recognized the problems caused by blighted and deteriorated properties. In 1994, HJR 489 and the accompanying report prepared by the Department of Housing and Community Development, recognized that the existence of blighted and deteriorated buildings erodes the quality of life in many of our neighborhoods.

- Blighted and deteriorated properties create potential nuisances and can become a convenient haven for criminal activities.
- The presence of blighted and neglected properties impair or arrest growth and development of a neighborhood and often lead to an exodus of current businesses and residents, threatening the spread of blight to other properties and neighborhoods.
- Vandalism of a single property or structure can have significant negative economic and environmental impact on an entire neighborhood.
- Dealing with blighted and deteriorated properties benefits the public by providing a more attractive community environment for citizens of the locality.

The General Assembly has given localities a number of tools to use in their efforts to deal with blighted properties and on May 24, 2010 the City Council adopted Ordinance #O-2010-20 adding Section 70-93, Relating to Dangerous Structures, Derelict Buildings, and Spot Blight Abatement.

In summary, the code reads as follows:

- (a) **Dangerous Structures** – Owners of structures that the City Council feel might endanger the public health or safety of other residents may be ordered to abate the danger by removing, repairing or securing the building. After following the necessary procedures if the owner does not take any action or does not submit a plan of action acceptable to the City, the City can effectuate the removal, repair or securing of the building and the cost or expense thereof shall be chargeable to and paid by the owners of such property and may be collected as taxes are collected.
- (b) **Derelict Buildings** – Owners of structures that the City Council feel might endanger the public's health, safety or welfare and that, for a continuous period in excess of six months has been (i) vacant, (ii) boarded up in accordance with building code, and (iii) not lawfully connected to any required utility service (electric, water, sewer) may be ordered to abate the dereliction by removing, repairing or securing the building. After following the necessary procedures if the owner does not take any action or does not submit a plan of action acceptable to the City, the City can effectuate the removal, repair or securing of the building and the cost or expense thereof shall be chargeable to and paid by the owners of such property and may be collected as taxes are collected.

December 8, 2015

Page 4

(c) **Spot Blight Abatement** – It is the policy of the City to address spot blight abatement in appropriate cases, using all remedies provided by law, including those contained in Virginia Code Section 36-49.1:1. In determining whether a property is blighted for purposes of applying that section, the City shall apply the definition of “blighted property” contained in Virginia Code Section 36-3 and may consider any pertinent factors, including but not limited to the following:

1. **Condemned Structures** – A structure on the property has been continuously vacant for at least one year and has been condemned as unfit for human occupancy by the building official, under the Uniform Statewide Building Code, but the building official is unable to find that the criteria for demolition under the Uniform Statewide Building Code have been met; and the owner has failed to take corrective actions as directed by the building official;
2. **Rat and Rodent Infestation** – there is evidence of rate or rodent infestation or harborages caused by conditions on the property.
3. **Previous Citations** - The property has been used or maintained in a condition which has resulted in the following actions:
 - i. The owner having been cited on at least three (3) separate occasions because activities or conditions on the property violate State, County, or Town criminal provisions, or Town ordinances governing the use and/or maintenance of property, and the council finds that those activities or conditions threaten the public health, safety, morals and welfare; and
 - ii. The owner has been convicted of those citations; and
 - iii. The owner has either refused to correct violations as ordered by the court, or has repeated conduct for which he or she has been convicted of violating State laws or City ordinances in the past
4. **Inadequate Facilities** - The property has inadequate sewerage, plumbing, or heating facilities;
5. **Potential trespass** – The property is vacant, the owner has failed to take adequate precautions to prevent the use of the property by trespassers;
6. **Nuisance to Children** – A potential attractive nuisance to children exists on the property including, but not limited to abandoned wells, basements, excavations, or broken fences;
7. **Fire hazard** – Any condition exists on the property that has been specifically identified as a fire hazard by the fire department or the building official;

- 8. Substantial dilapidation of buildings or structures as evidenced by either:
 - i. Collapse of either interior or exterior structural elements such as floors, walls, roofs, porches, decks and similar appendages which do not pose a danger to the public; or
 - ii. Removal or rotting of exterior siding, roofing or sheathing exposing structural members to the weather.

In the case of the King Properties, the Staff has determined that the properties best meet the criteria of Section 70-90 (c) and recommends that the Council make a determination pursuant to Ordinance #O-2016-07 that the structures are blighted. Staff does not recommend applying the sections related to derelict buildings because the property owner has shown no interest complying with the Uniform Statewide Building Code and maintaining their property. The owner has repeatedly ignored notices of violation and summons for court. If the City were to effectuate repairs to bring the building to minimum building code standards it would remain vacant and eventually fall back into disrepair. This would not then remediate the blight and remove the health, welfare and safety hazard from the Georgetown South Community. However, assuming that the property owner did not reimburse the City for the cost of the repairs, the City could, two years after placing a lien on the property, sell the property through the delinquent real estate tax sale process. The property would either be listed for sale or auctioned, but in either case the highest bid would have to be approved by the court. The City could put in a bid, and has in previous tax sale cases put in a bid for the amount of the delinquent taxes to avoid losing its security. The downside of this approach is the length of time to put the property into the hands of someone who will maintain it, with the accompanying risk that the repaired property will simply deteriorate for two years until it can be sold.

Use of Eminent Domain to Abate Spot Blight

Under Virginia Code Section 36-49.1:1, any locality shall have the power to acquire or repair any blighted property by purchase or through the power of eminent domain. If eminent domain is to be exercised, the following additional findings are required:

- A. Under Section 36-49.1:1 (C) and (D), the property is blighted (“endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards; and

December 8, 2015

Page 6

- B. Under Section 1-219.1, the property endangers public health or safety and is (i) a public nuisance or (ii) beyond repair or unfit for human occupancy or use; and
- C. Under Section 36-49.1:1 (F) the condemnation will not displace any person living on the premises or the property has been condemned for human habitation for one year.

These findings are contained within Ordinance #O-2016-07 Declaring Properties at 9615 Aspen Place and 9710 Pickett Lane as Blighted. Following this action, the City is required to notify the property owners by regular mail, with a copy of the City's plan to remediate the blight by acquiring the property.

Staff notes that the use of eminent domain in this instance is not eligible for "quick take" procedures commonly used for the public acquisition of right of way or other land for public use. This process may take 12 or more months and requires a title report and appraisal, offer to purchase at 100% of appraisal, filing suit, setting court date, jury trial on valuation, followed by a court order conveying title.

Conclusion

The City Council's adopted strategic plan includes a strategy of developing a comprehensive housing and redevelopment program and supporting the revitalization of older neighborhoods. If the City and Georgetown South are successful in revitalizing these two homes, it is potentially a more proactive tool to be used towards a broader, more comprehensive strategy. The Georgetown South Community Association and non-profit partners, VOICE and Catholics for Housing, have expressed an interest in acquiring the properties and rehabbing them for sale to new first time, low to moderate income, homebuyers. They estimate that the construction costs for a full rehabilitation would be between \$60,000 and \$80,000. The appraisal company engaged by the City appraised each structure at \$105,000 but was not able to enter the buildings. The assessment on each structure is \$126,300 and \$129,000. Two and three bedroom homes in Georgetown South are currently selling for \$149,000 and \$169,000.

Staff proposes the following next steps:

- 1 – The City Council adopts both Ordinance #O-2016-07 and Resolution #2016-07-R.
- 2 – Staff will provide notice of the City Council's action to the property owner per Code.
- 3 – If the property owner refuses to sell the properties, the City will file an action for eminent domain and request a court order to enter the structures for the purpose of updating the appraisals and further inspection by the City Building Official and Fire Marshal.
- 4 – City Council will hold a work session to review the information from the updated appraisal and inspection before the staff takes any subsequent actions.

AGENDA STATEMENT

PAGE NO. 51

ITEM NO. 9

MEETING DATE: December 14, 2015

TIME ESTIMATE: 2 Minutes

AGENDA ITEM TITLE: Consideration of Resolution 2016-07-R Amending the FY 2016 Budget by Transferring \$225,000 of Community Investment Committed Fund Balance to Capital Projects for the Abatement of Two Blighted Properties

DATE THIS ITEM WAS LAST CONSIDERED BY COUNCIL: N/A

SUMMARY OF ISSUE/TOPIC: The Georgetown South Community has asked the City Council to consider the acquisition of two blighted properties under Virginia Code Section 36-49.1:1, Spot Blight Abatement. The properties are located at 9615 Aspen Place and 9710 Pickett Lane in Georgetown South. Staff is requesting appropriation of \$225,000 for court fees, expert witnesses (appraisers), legal fees to acquire the blighted property under eminent domain. The properties are currently appraised at \$105,000 each. A portion of these funds may be replaced upon sale of the properties.

This resolution will transfer \$225,000 of Community Investment Committed Fund Balance in the General Fund to the General Capital Projects Fund.

STAFF RECOMMENDATION: Approve Resolution 2016-07-R

BOARD/COMMISSION/ COMMITTEE: Finance Committee (2/1)

RECOMMENDATION: Approve Disapprove Reviewed See Comments

CITY MANAGER: WSP Approve Disapprove Reviewed See Comments

COMMENTS:

DISCUSSION (IF NECESSARY): The FY 2016 Adopted Budget included an appropriation of \$374,000 to Community Investment Committed Fund Balance. This resolution would reduce that amount to \$149,000.

BUDGET/FISCAL IMPACT: \$225,000 – Community Investment Committed Fund Balance

STAFF: Elizabeth S. Via-Gossman, AICP, Community Development Director, (703) 257-8224

RESOLUTION 2016-07-R

Adopted:

BE IT RESOLVED by the Council of the City of Manassas meeting in regular session this 14th day of December, 2015, that the following funds be budgeted and appropriated as shown.

<u>ACCOUNT NO.</u>				<u>AMOUNT</u>
GENERAL FUND				
<u>Expenditures:</u>				
100-9600-491-96-03		To Community Investment Fund Balance	\$	(225,000)
100-9600-491-92-31		Transfer to Capital Projects	\$	225,000
 GENERAL CAPITAL PROJECTS FUND				
<u>Revenue:</u>				
310-0000-345-10-00	CP5159	Transfer from General Fund	\$	225,000
 <u>Expenditure:</u>				
310-5159-505-39-00	CP5159	Property Abatement Georgetown South	\$	225,000

For: Community Investment Committed Fund Balance for Property Abatement

This resolution shall take effect upon its passage.

 Harry J. Parrish II MAYOR
 On Behalf of the City Council
 of Manassas, Virginia

ATTEST:

 Andrea P. Madden City Clerk

AGENDA STATEMENT

PAGE NO. 53

ITEM NO. 11

MEETING DATE: December 14, 2015

TIME ESTIMATE: 5 Minutes

AGENDA ITEM TITLE: Consideration of the **Revised** 2016 Legislative Priorities.

DATE THIS ITEM WAS LAST CONSIDERED BY COUNCIL: November 23, 2015

SUMMARY OF ISSUE/TOPIC: Based on the input received from state legislators at the December 7 Legislative Breakfast, priorities listed in the Utilities section have been revised; those changes are reflected in the attached document.

STAFF RECOMMENDATION: Recommend City Council approval of the **Revised** 2016 Legislative Priorities.

BOARD/COMMISSION/ COMMITTEE:

RECOMMENDATION: **Approve** **Disapprove** **Reviewed** **See Comments**

CITY MANAGER: WPP **Approve** **Disapprove** **Reviewed** **See Comments**

COMMENTS: (am)

DISCUSSION (IF NECESSARY):

BUDGET/FISCAL IMPACT: None

STAFF: W.Patrick Pate, City Manager, 703-257-8212

Priorities:

- ❖ We strongly support legislative efforts to maintain local revenues such as the Machinery and Tools Tax and the Business and Professional Occupational License Fee. These revenue sources represent \$4.9 million and \$3.1 million respectively (17% of City tax revenue), of which nearly 60% is budgeted to support the Manassas City Public Schools. Local sources of revenue should not be reduced or eliminated unless a sustainable alternative revenue source is provided by the state.
- ❖ We strongly support the maintenance of state funding for K-12 education including the restoration of full funding for the cost of competing adjustment.
- ❖ We strongly support balancing the state budget by means other than passing costs to local governments.
- ❖ We strongly support improvements to VA-28 corridor in the VDOT Six-Year Improvement Program including consideration of the VA-28 Manassas Bypass.

Legislative Issues:

Public Safety

- ❖ We support proposed change to § 15.2-1517 of the Code of Virginia to provide localities with the option of funding mental health treatment/counseling services through EAP-type "health insurance programs" for volunteer firefighters/EMTs.
- ❖ We support the restoration of full state administration and funding of the Line of Duty Act.
- ❖ We support Legislative Guidelines for Body Worn Cameras as proposed by the Department of Criminal Justice Services that will establish administrative guidelines for the use of these cameras.
- ❖ We support License Plate Reader regulation. Currently, there is no State Code that regulates storage and use of license plate readers. Virginia Association of Chiefs of Police (VACP) is in support of regulation as long as it allows us to retain the data for a minimum of 90 days. The data can only be accessed in an active investigation.

Land Use

- ❖ We support Chapter 22 of Virginia code 15.2, Planning, Subdivision of Land and Zoning, and oppose any legislation that reduces local authority for planning, zoning, subdivision, resource protection, neighborhood preservation and local redevelopment.
- ❖ We support the expanded use of development impact fees for local infrastructure (notably schools) required as a result of development. The City opposes any effort to establish state-mandated caps on development or impact fees and proffers.

Utilities

- ❖ We ~~support~~ oppose the implementation of renewable energy resources ~~without~~ with a mandatory Renewable Portfolio Standard (RPS) because of the increased cost impact to customers.
- ❖ We oppose regulation of local municipal electric utilities by the Virginia State Corporation Commission. Local regulation of municipal electric utilities should be provided by local officials who are accountable to the utility customer.
- ❖ We oppose any reallocation of existing State Water Control Board (SWCB) approved nutrient allocations from an existing public treatment facility.

Partner Initiatives

- ❖ We support the VML Legislative Positions.

Transportation

- ❖ We oppose tolling on Interstate 66 without adding new capacity.

AGENDA STATEMENT

PAGE NO. 55

ITEM NO. 13

MEETING DATE: December 14, 2015

TIME ESTIMATE: 10 Minutes

AGENDA ITEM TITLE: Presentation of the Annual Report of the Prince William County/Manassas Convention and Visitors Bureau by President/CEO Ann Marie Maher.

**DATE THIS ITEM WAS
LAST CONSIDERED
BY COUNCIL:**

**SUMMARY OF
ISSUE/TOPIC:**

**STAFF
RECOMMENDATION:** Informational Item Only

**BOARD/COMMISSION/
COMMITTEE:**

RECOMMENDATION: Approve Disapprove Reviewed See Comments

CITY MANAGER:  Approve Disapprove Reviewed See Comments

COMMENTS: N/A

**DISCUSSION
(IF NECESSARY):** None

**BUDGET/FISCAL
IMPACT:** N/A

STAFF: Patrick Small, Economic Development Director, 703-257-8881

**ORIGINAL
REPORT
IS AVAILABLE
FOR REVIEW
IN THE CLERK'S
OFFICE**

AGENDA STATEMENT

PAGE NO. 57

ITEM NO. 15

MEETING DATE: December 14, 2015

TIME ESTIMATE: 5 Minutes – TIME CERTAIN 7:00 P.M.

AGENDA ITEM TITLE: Bid Opening on an Extension of (1) A Certain Aircraft Land and Facilities Distributorship Ordinance and (2) A Certain Airport Land Franchise Ordinance.

DATE THIS ITEM WAS LAST CONSIDERED BY COUNCIL:

SUMMARY OF ISSUE/TOPIC:

The current Franchise between Dulles Aviation and the City that allows Dulles Aviation to perform the duties of a full-service Fixed Base Operator (FBO) expired December 1, 2015. The Airport Commission and Airport Staff have agreed that it be in the best interest if the airport and flying public to extend the Franchise to December 1, 2018 so that the Airport can complete an Environmental Assessment (EA). The EA is required by the FAA prior to any new development taking place on the west side of the airport. At the end of the extension period, the City will solicit proposals for a new Franchise that will require the selected FBO operator to build new improvements on the site.

STAFF RECOMMENDATION: Approve the Franchise

BOARD/COMMISSION/ COMMITTEE:

RECOMMENDATION: Approve Disapprove Reviewed See Comments

CITY MANAGER: WPP Approve Disapprove Reviewed See Comments

COMMENTS:

DISCUSSION (IF NECESSARY):

BUDGET/FISCAL IMPACT: N/A

STAFF: Martin Crim, City Attorney, 703-369-4738

FILLER PAGE

AGENDA STATEMENT

PAGE NO. 59

ITEM NO. 16

MEETING DATE: December 14, 2015

TIME ESTIMATE: 5 Minutes

AGENDA ITEM TITLE: Second Reading of Ordinance #O-2016-06 Soliciting Bids for an Extension of (1) A Certain Aircraft Land and Facilities Distributorship Ordinance and (2) A Certain Airport Land Franchise Ordinance.

DATE THIS ITEM WAS LAST CONSIDERED BY COUNCIL:

SUMMARY OF ISSUE/TOPIC: The current Franchise between Dulles Aviation and the City that allows Dulles Aviation to perform the duties of a full-service Fixed Base Operator (FBO) expired December 1, 2015. The Airport Commission and Airport Staff have agreed that it be in the best interest if the airport and flying public to extend the Franchise to December 1, 2018 so that the Airport can complete an Environmental Assessment (EA). The EA is required by the FAA prior to any new development taking place on the west side of the airport. At the end of the extension period, the City will solicit proposals for a new Franchise that will require the selected FBO operator to build new improvements on the site.

STAFF RECOMMENDATION: Approve Ordinance #O-2016-06

BOARD/COMMISSION/ COMMITTEE: Airport Commission

RECOMMENDATION: Approve Disapprove Reviewed See Comments

CITY MANAGER:  Approve Disapprove Reviewed See Comments

COMMENTS:

DISCUSSION (IF NECESSARY): N/A

BUDGET/FISCAL IMPACT: There is no fiscal impact on the General Fund. During the extended period, the rent will escalate three percent (3%) per year.

STAFF: Juan Rivera, Airport Director, 703-257-8261

ORDINANCE #O-2016-06

First Reading
 Second Reading
 Enacted
 Effective

**AN ORDINANCE TO SOLICIT BIDS FOR AN
 AMENDMENT AND EXTENSION OF A (1) CERTAIN AIRCRAFT LAND
 AND FACILITIES DISTRIBUTORSHIP ORDINANCE AND A (2) CERTAIN AIRPORT
 LAND FRANCHISE ORDINANCE**

1. BE IT ORDAINED by the Council of the City of Manassas meeting in regular session this _____ day of _____, 2015, that the City solicit bids for a Supplemental Agreement to Extend and Amend the Aircraft Land and Facilities Distributorship Ordinance originally entered into the 15th day of July, 1970, and the Airport Land Franchise Ordinance originally entered into the 8th day of September, 1975, by and between the Town of Manassas (now the City of Manassas) and Marshall Aviation, Inc. and Piedmont Aviation, Inc., since acquired and now in the name of Dulles Aviation, Inc., in the mode prescribed by law for franchise grants and leaseholds subject to the conditions, rights and privileges embodied in the following proposed ordinance set forth below.

PROPOSED ORDINANCE

The Amendment and Extension shall be embodied in the following Proposed Ordinance:

***SUPPLEMENTAL AGREEMENT TO AIRCRAFT
 LAND AND FACILITIES DISTRIBUTORSHIP ORDINANCE AND
 AIRPORT LAND FRANCHISE ORDINANCES***

WHEREAS, the Town of Manassas leased to Marshall Aviation, Inc., certain land (consisting of five acres subsequently known as Parcel 3-A) and facilities at the Manassas Municipal Airport (Harry P. Davis Field) by an Aircraft Land and Facilities Distributorship Ordinance effective the 15th day of July, 1970, for a term ending July 15, 1990, and

WHEREAS, the City of Manassas leased to Piedmont Aviation, Inc. certain land known as Parcel 3-B by an Airport Land Franchise Ordinance effective the 1st day of December, 1975, said lease ending the 1st day of December, 2000, and

WHEREAS, on the 22nd day of October, 1980, the City of Manassas amended its Aircraft Land and Facilities Distributorship Ordinance to extend the term thereof terminating July 15, 1990, to December 1, 2000, and

WHEREAS, on the 24th day of November, 1980, the Aircraft Land and Facilities Distributorship Ordinance was assigned to Page Beechcraft and thereafter, Page Avjet Corporation became the successor to Page Beechcraft, Inc. by merger, and

WHEREAS, the parcels of land leased under the Aircraft Land and Facilities Distributorship Ordinance and the Airport Land Franchise Ordinance adjoin, and

WHEREAS, the current fuel flowage fee under the Aircraft Land and Facilities Distributorship Ordinance is five cents per gallon, and

WHEREAS, on the 11th day of April, 1983, by action of the City Council, the City consented to assignment of the Aircraft Land and Facilities Distributorship Ordinance (Parcel 3A) and the Airport Land Franchise Ordinance (Parcel 3B) to Dulles Aviation, Inc., and

WHEREAS, on the 12th day of August, 1985, the City Council amended the Aircraft Land and Facilities Distributorship Ordinance to extend the date for the construction of certain facilities and to extend the term of the franchises under the Aircraft Land and Facilities Distributorship Ordinance to December 1, 2015, and

WHEREAS, on the 30th day of December, 1985, the City Council amended the Aircraft Land and Facilities Distributorship Ordinance and the Airport Land Franchise Ordinance was amended to grant to Dulles Aviation use of an additional strip of land until December 1, 2015, and

WHEREAS, on the 24th day of May, 1993, the City Council amended the Aircraft Land and Facilities Distributorship Ordinance to authorize and permit Dulles Aviation, Inc. to install, operate and maintain two aviation fuel tanks with appurtenances in the Manassas Airport Central Fuel Facility, for a period coinciding with the term of the franchises, and

WHEREAS, the City has complied with the provisions of Sections 15.2-2101 through 15.2-2105 of the Code of Virginia relating to the extension and amendment of franchises,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Manassas meeting in its regular session this _____ day of _____, 2015, the following ordinance is hereby adopted:

Pursuant to Section 15.2-2105 of the Code of Virginia, the term of the Aircraft Land and Facilities Distributorship Ordinance and the term of the Airport Land Franchise Ordinance (each as previously amended), previously granted and currently held by Dulles Aviation, Inc. shall be extended to and expire on December 1, 2018, with rent to escalate during the extended term by three percent (3%) per year.

The fuel flowage fee paid by Grantee to the City shall continue at five (5) cents per gallon unless and until the Grantee's fuel flowage reaches 1.2 million gallons in any City fiscal year, at which time it will rise to and remain at six (6) cents per gallon thereafter for the duration of the franchise. If, however, the Grantee's fuel flowage reaches 1.5 million gallons in any City fiscal year, the fuel flowage fee will rise to and remain at seven (7) cents per gallon, and if the Grantee's fuel flowage reaches 2 million gallons in any City fiscal year, the fuel flowage fee will rise to and remain at eight (8) cents per gallon.

This ordinance and the rights and privileges hereby granted and conferred are granted and conferred to _____ and shall become effective when the Grantee has filed with the Mayor of the City its written acceptance thereof and has paid to the City an amount equal to the cost of advertising and legal fees in consideration thereof.

END OF PROPOSED ORDINANCE

2. The City Council hereby directs that upon approval of this ordinance to solicit bids, the proposed ordinance contained in the foregoing sections shall be advertised as required by applicable law and such advertisement shall invite bids for the privileges and rights proposed to be granted by such ordinance, which bids shall be in writing and shall be delivered to the presiding officer of the Council of the City in open session of the said body to be held on the 14th day of December, 2015, and the bids shall then be presented to the Council by the presiding officer to be dealt with and acted upon in the manner prescribed by law for franchise grants. The advertisement shall expressly reserve the right to reject any and all bids and the successful bidder shall be required to pay all costs of advertising the franchise. The person to whom the franchise and the lease amendment and extension is awarded shall execute a bond, with good and sufficient security in favor of the City as required by Section 15.2-21044 of the Code of Virginia.

IN WITNESS WHEREOF, the City has caused its name to be hereunto subscribed by the Mayor with the Seal duly affixed and attested by its City Clerk.

BY ORDER OF THE COUNCIL

 Harry J. Parrish II, Mayor
 On Behalf of the City Council of
 Manassas, Virginia

ATTEST:

Andrea P. Madden City Clerk

MOTION:

Date:

Regular Meeting

SECOND:

Ord. No. #O-2016-06

RE:

**AN ORDINANCE TO SOLICIT BIDS FOR AN AMENDMENT AND
EXTENSION OF A (1) CERTAIN AIRCRAFT LAND AND FACILITIES
DISTRIBUTORSHIP ORDINANCE AND A (2) CERTAIN AIRPORT LAND
FRANCHISE ORDINANCE**

ACTION:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY

Andrea Madden, City Clerk

FILLER PAGE

AGENDA STATEMENT

PAGE NO. 65

ITEM NO. 17

MEETING DATE: December 14, 2015

TIME ESTIMATE: 5 Minutes

AGENDA ITEM TITLE: Presentation of Commendation Commending *Stephen C. Nelson* for His Dedication and Devoted Years of Service as the City's Representative on the Prince William County/Manassas Convention & Visitors Bureau.

DATE THIS ITEM WAS LAST CONSIDERED BY COUNCIL:

SUMMARY OF ISSUE/TOPIC:

STAFF RECOMMENDATION: Present Commendation to Stephen C. Nelson.

BOARD/COMMISSION/ COMMITTEE:

RECOMMENDATION: Approve Disapprove Reviewed See Comments

CITY MANAGER:  Approve Disapprove Reviewed See Comments

COMMENTS:

DISCUSSION (IF NECESSARY):

BUDGET/FISCAL IMPACT: NA

STAFF: Patrick Small, Economic Development Director, 703-257-8881

FILLER PAGE

MEETING DATE: December 14, 2015

TIME ESTIMATE: 10 minutes (Public Hearing)

AGENDA ITEM TITLE: Public Hearing for ZTA #2015-02, Zoning Ordinance Update – Article X, Board of Zoning Appeals


DATE THIS ITEM WAS LAST CONSIDERED BY COUNCIL: N/A

SUMMARY OF ISSUE/TOPIC: In June 2015, the Planning Commission initiated ZTA #2015-02 to revise Article X of the Zoning Ordinance. This article addresses the authority and operations of the City’s Board of Zoning Appeals (BZA). This article is being updated as part of the comprehensive Zoning Ordinance update and to address state law changes related to variances and BZA operations and that went into effect on July 1, 2015.

STAFF RECOMMENDATION: Hold the public hearing. At the conclusion of the public hearing, Staff recommends that the public hearing be closed and action scheduled for the City Council meeting on January 11, 2016.

BOARD/COMMISSION/ COMMITTEE: Planning Commission – October 7, 2015 (recommends approval 5/0)

RECOMMENDATION: Approve Disapprove Reviewed See Comments

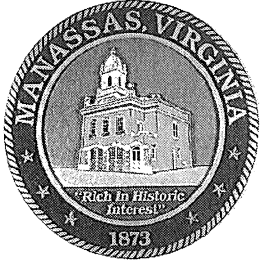
CITY MANAGER:  Approve Disapprove Reviewed See Comments

COMMENTS:

DISCUSSION (IF NECESSARY): See attached memorandum and draft ordinance.

BUDGET/FISCAL IMPACT: None

STAFF: Matthew Arcieri, Planning and Zoning Services Manager (703-257-8232)



MEMORANDUM

CITY OF MANASSAS

Department of Community Development
 Phone: 703-257-8223 Fax: 703-257-5117

TO: Mayor and City Council *MDA*

FROM: Matthew D. Arcieri, AICP, Planning and Zoning Services Manager

THRU: W. Patrick Pate, City Manager
 Elizabeth S. Via-Gossman, AICP, Director, Community Development *WPP*

DATE: December 11, 2015

RE: ZTA #2015-02, Zoning Ordinance Update – Article X, Board of Zoning Appeals

In June 2015, the Planning Commission initiated revisions to Article X of the Zoning Ordinance. This article addresses the authority and operations of the City's Board of Zoning Appeals (BZA). The Code of Virginia enables the City to create a BZA and prescribes certain rules pertaining to its membership, organization, proceedings, and powers and duties. The State Code also addresses application procedures and appeals.

Recent amendments to the State Code, effective July 1, 2015, include changes to the criteria that the BZA must consider when reviewing an application for a variance. The proposed amendments to the City's Zoning Ordinance are intended to ensure consistency with the amended State Code. The proposed changes will also address future State Code changes by repealing language that duplicates or is in conflict with the State Code. Instead, the revised article incorporates the State Code by reference. This change will help limit the need for future Zoning Ordinance updates that duplicate State Code requirements and do not add requirements specific to the City. The revised article also updates City requirements for the City BZA's membership, organization, administration, record keeping, and reporting.

The revisions to Article X were provided to the members of the BZA for comment and on October 7, 2015, the Planning Commission unanimously recommended approval of ZTA #2015-02. Staff also recommends approval of the revised article.

Attachments:

1. Article X – Revised (#O-2016-05)
2. State Code Excerpt
3. Article X – Current Ordinance
4. Planning Commission Resolution

ORDINANCE #O-2016-05

First Reading	_____
Second Reading	_____
Enacted	_____
Effective	_____

AN ORDINANCE TO AMEND AND REENACT THE CODE OF ORDINANCES, CITY OF MANASSAS, VIRGINIA (2002), AS AMENDED, BY AMENDING CHAPTER 130, ARTICLE X, BOARD OF ZONING APPEALS

WHEREAS, pursuant to Virginia Code §15.2-2283, zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of planning to facilitate the creation of a convenient, attractive, and harmonious community; and

WHEREAS, to effectuate the aforesaid general purposes of zoning and such other purposes as set forth in Virginia Code §15.2-2283, the zoning ordinance is to be considered a “living” document that is subject to amendment for the purposes of updating the ordinance for public necessity, convenience, general welfare, or good zoning practices; and

WHEREAS, on March 26, 2015, the General Assembly enacted Chapter 597 of the Virginia Acts of Assembly, 2015 Session, to amend and reenact §§15.2-2201, 15.2-2308, 15.2-2309, and 15.2-2314 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2308.1, relating to variances effective July 1, 2015; and

WHEREAS, Planning Commission initiated zoning text amendment ZTA #2015-02 to Amend Chapter 130 of the Code of Manassas to update Article X, Board of Zoning Appeals for compliance with state law taking effect July 1, 2015, and other technical updates; and

WHEREAS, the City Planning Commission held a public hearing on October 7, 2015, after full compliance with all State Code public hearing notice requirements and **RECOMMENDED** the **ADOPTION** of this ordinance; and

WHEREAS, the City Council held a public hearing on December 14, 2015, after full compliance with all State Code public hearing notice requirements; and

WHEREAS, the City Council upon careful consideration finds that approval of ZTA #2015-02 is justified by public necessity and convenience and general welfare and is consistent with reasonable zoning practices, and the State Code.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Manassas, Virginia, meeting in regular session this _____ day of _____, 2016:

1. That ZTA #2015-02 is hereby adopted as follows as follows:

ARTICLE X. BOARD OF ZONING APPEALS

Sec. 130-521. Creation and authority.

The Board of Zoning Appeals (BZA), created pursuant to authority contained in the Code of Virginia, §15.2-2308 through §15.2-2314, as amended, shall continue in force under the provisions of this article. The BZA shall have all powers and duties as enumerated in the Code of Virginia, except for the issuance and revocation of special exceptions.

Sec. 130-522. Membership.

- (a) The BZA shall consist of five regular members and two alternate members, who are residents of the city.
- (b) Alternate members shall serve on the BZA only when there is an absence of or abstention by a regular member and shall rotate in accordance with the adopted schedule as established by the BZA.

Sec. 130-523. Organization.

- (a) The BZA shall conduct an annual organizational meeting in the month of January, if possible, to elect its officers.
- (b) Any officer vacancy on the BZA may be filled by the BZA through a special board election.
- (c) The BZA shall adopt in December or January the official BZA calendar for the next calendar year identifying scheduled meetings and close of docket.
- (d) The BZA may, by resolution, fix certain days on its calendar to which meetings shall be continued, if the Chairperson or Vice Chairperson finds and declares that weather conditions are such that it is hazardous for members to attend the meeting. Such findings shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required, provided the resolution setting the schedule is inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.
- (e) Meetings of the BZA shall be held in accordance with the official calendar unless canceled by the Chairperson due to lack of business.
- (f) Special meetings of the BZA shall be held at the call of its Chairperson, or Vice Chairperson, and at such times as the majority of the BZA may determine.

Sec. 130-524. Administration.

- (a) All meetings of the BZA shall be open to the public and shall otherwise conform to the Virginia Freedom of Information Act.
- (b) The BZA shall keep minutes of its proceedings, which shall reflect the vote of each member upon each question, noting if absent, or failing to vote.
- (c) In addition to minute books, the BZA shall keep records of its examinations, public hearings, public advertising, and other official actions, all of which will be immediately filed in the office of the BZA. BZA records constitute a public record.
- (d) An appeal shall be made by filing an application with the Zoning Administrator and the Board of Zoning Appeals. An appeal shall specify the grounds thereof, together with the filing fee in the sum set forth by uncodified ordinance of the City Council. The application

and accompanying maps, plans, and other documentation constituting the record upon which the action appealed was taken from shall be scheduled for the next available docket as set forth in the adopted calendar.

- (e) All advertisements for public hearings and other notices shall conform to the requirements of the Code of Virginia and this chapter.
- (f) Upon final action to approve an appeal, the BZA shall record an order with the land records of the City and shall send a copy to the applicant, to the Zoning Administrator, and to such other parties as necessary.

Sec. 130-525. Records and reports.

In addition to records required by §130-524, the BZA shall submit an annual report of the previous fiscal year's activities to the City Council within 30 calendar days of its annual organizational meeting.

Secs. 130-526—130-690. Reserved.

- 2. This ordinance shall become effective upon second reading.

BY ORDER OF THE COUNCIL

 Harry J. Parrish, II, Mayor
 On Behalf of the City Council of
 Manassas, Virginia

ATTEST:

 City Clerk

MOTION:

SECOND:

RE:

ACTION:

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY _____
 City Clerk

22

Title 15.2. Counties, Cities and Towns

Chapter 22. Planning, Subdivision of Land and Zoning

Article 7. Zoning

§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the fifteenth or nineteenth judicial circuit may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The circuit court for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. Notwithstanding any other provision of law, general or special, for the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board and the board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under § 15.2-2314, and the staff of the local governing body. Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The

board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board may receive such compensation as may be authorized by the respective governing bodies. Any board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him, after a hearing held after at least fifteen days' notice.

E. Notwithstanding any contrary provisions of this section, in the Cities of Portsmouth and Virginia Beach, members of the board shall be appointed by the governing body. The governing body shall also appoint at least one but not more than three alternates to the board.

Code 1950, §§ 15-825, 15-850, 15-968.8; 1950, pp. 176, 489; 1952, c. 688; 1962, c. 407, § 15.1-494; 1975, c. 641; 1976, c. 642; 1977, c. 172; 1982, c. 3; 1989, c. 27; 1992, c. 47; 1997, cc. 570, 587; 1998, cc. 346, 520, 528; 1999, c. 838; 2002, cc. 205, 545; 2007, c. 813; 2009, c. 734; 2010, c. 705; 2015, cc. 406, 407, 597.

§ 15.2-2308.1. Boards of zoning appeals, ex parte communications, proceedings.

A. The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.

B. Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under § 15.2-2314 requests additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the board shall also be made available for public inspection pursuant to subsection F of § 2.2-3707.

C. For the purposes of this section, "non-legal staff of the governing body" means any staff who is not in the office of the attorney for the locality, or for the board, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.

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D. This section shall not apply to cases where an application for a special exception has been filed pursuant to subdivision 6 of § 15.2-2309.

2015, c. 597.

§ 15.2-2309. Powers and duties of boards of zoning appeals.

Boards of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct. At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. The board shall consider any applicable ordinances, laws, and regulations in making its decision. For purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer. Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.

2. Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined in § 15.2-2201, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section.

Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.

No variance shall be considered except after notice and hearing as required by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In granting a variance, the board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public

interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. Notwithstanding any other provision of law, general or special, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes under state law and local ordinance; however, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site or part of the structure for which no variance is required under the ordinance. Where the expansion is proposed within an area of the site or part of the structure for which a variance is required, the approval of an additional variance shall be required.

3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.

6. To hear and decide applications for special exceptions as may be authorized in the ordinance. The board may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest, including limiting the duration of a permit, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

No special exception may be granted except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

7. To revoke a special exception previously granted by the board of zoning appeals if the board determines that there has not been compliance with the terms or conditions of the permit. No special exception may be revoked except after notice and hearing as provided by § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. If a governing body reserves unto itself the right to issue special exceptions pursuant to § 15.2-2286, and, if the governing body determines that there has not been compliance with the terms and conditions of the permit, then it may also revoke special exceptions in the manner provided by this subdivision.

8. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

Code 1950, §§ 15-831, 15-850, 15-968.9; 1950, p. 176; 1962, c. 407, § 15.1-495; 1964, c. 535; 1972, c. 695; 1975, cc. 521, 641; 1987, c. 8; 1991, c. 513; 1996, c. 555; 1997, c. 587; 2000, c. 1050; 2002, c. 546; 2003, c. 403; 2006, c. 264; 2008, c. 318; 2009, c. 206; 2015, c. 597.

§ 15.2-2310. Applications for special exceptions and variances.

Applications for special exceptions and variances may be made by any property owner, tenant, government official, department, board or bureau. Applications shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board. No special exceptions or variances shall be authorized except after notice and hearing as required by § 15.2-2204. The zoning administrator shall also transmit a copy of the application to the local planning commission which may send a recommendation to the board or appear as a party at the hearing. Any locality may provide by ordinance that substantially the same application will not be considered by the board within a specified period, not exceeding one year.

Code 1950, §§ 15-828 through 15-830, 15-832, 15-833, 15-850, 15-968.10; 1950, p. 176; 1962, c. 407, § 15.1-496; 1966, c. 256; 1975, cc. 521, 641; 1989, c. 407; 1997, c. 587.

§ 15.2-2311. Appeals to board.

A. An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the locality affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this article, any ordinance adopted pursuant to this article, or any modification of zoning requirements pursuant to § 15.2-2286. Notwithstanding any charter provision to the contrary, any written notice of a zoning violation or a written order of the zoning administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within 30 days in accordance with this section, and that the decision shall be final and unappealable if not appealed within 30 days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. The appeal period shall not commence until the statement is given. A written notice of a zoning violation or a written order of the zoning administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section. The appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. The

fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs. A decision by the board on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided notice of the zoning violation or written order of the zoning administrator in accordance with this section. The owner's actual notice of such notice of zoning violation or written order or active participation in the appeal hearing shall waive the owner's right to challenge the validity of the board's decision due to failure of the owner to receive the notice of zoning violation or written order. For jurisdictions that impose civil penalties for violations of the zoning ordinance, any such civil penalty shall not be assessed by a court having jurisdiction during the pendency of the 30-day appeal period.

B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

C. In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to correct clerical errors.

D. In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

1975, c. 521, § 15.1-496.1; 1983, c. 12; 1993, c. 780; 1995, c. 424; 1997, c. 587; 2005, cc. 625, 677; 2008, c. 378; 2010, c. 241; 2011, c. 457; 2012, cc. 400, 550, 606.

§ 15.2-2312. Procedure on appeal.

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within ninety days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

1975, c. 521, § 15.1-496.2; 1983, c. 444; 1986, c. 483; 1997, c. 587.

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§ 15.2-2313. Proceedings to prevent construction of building in violation of zoning ordinance.

Where a building permit has been issued and the construction of the building for which the permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the zoning ordinance, by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the board of zoning appeals.

1975, c. 521, § 15.1-496.3; 1997, c. 587.

§ 15.2-2314. Certiorari to review decision of board.

Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the locality, may file with the clerk of the circuit court for the county or city a petition that shall be styled "In Re: date Decision of the Board of Zoning Appeals of [locality name]" specifying the grounds on which aggrieved within 30 days after the final decision of the board.

Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the board of zoning appeals or, if no secretary exists, the chair of the board of zoning appeals, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The governing body, the landowner, and the applicant before the board of zoning appeals shall be necessary parties to the proceedings in the circuit court. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.

The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements pursuant to § 15.2-2286, the findings and conclusions of the board of zoning appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision. Any party may introduce evidence in the proceedings in the court. The court shall hear any arguments on questions of law de novo.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision.

In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong, was in violation of the purpose and intent of the zoning ordinance, and is not fairly debatable.

In the case of an appeal from the board of zoning appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.

Costs shall not be allowed against the locality, unless it shall appear to the court that it acted in bad faith or with malice. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making the return of the record pursuant to the writ of certiorari. If the petition is withdrawn subsequent to the filing of the return, the locality may request that the court hear the matter on the question of whether the appeal was frivolous.

Code 1950, §§ 15-834 through 15-839, 15-850, 15-958.11; 1950, p. 176; 1962, c. 407, § 15.1-497; 1975, c. 641; 1988, c. 856; 1994, c. 705; 1996, c. 450; 1997, c. 587; 2001, c. 422; 2003, c. 568; 2005, cc. 625, 677; 2006, c. 446; 2010, c. 241; 2015, c. 597.

ARTICLE X. BOARD OF ZONING APPEALS**Sec. 130-651. Creation and authority.**

The Board of Zoning Appeals (BZA), created pursuant to authority contained in the Code of Virginia, shall continue in force under the provisions of this article.

Sec. 130-652. Membership.

- (a) The Board of Zoning Appeals shall consist of five regular members, and two alternate members, who are residents of the city. All members shall be appointed by the circuit court of the county for five-year terms, except that to fill a vacancy, the appointment shall be only for the unexpired portion of that term.
- (b) Members may be reappointed to succeed themselves.
- (c) A member whose term expires shall continue to serve until his successor is appointed and qualified.
- (d) Alternate members shall serve on the board only when there is an absence of a regular member and shall rotate in accordance with the adopted schedule as established by the board.

Sec. 130-653. Condition of tenure, conflict of interest, removal from office.

- (a) Members of the Board of Zoning Appeals shall hold no other public office in the city except that one may be a member of the planning commission.
- (b) Any member of the Board of Zoning Appeals having an interest in property related to an appeal to the Board of Zoning Appeals shall be disqualified to vote on that matter. All members shall provide annual disclosure statements required by the State and Local Government Conflict of Interests Act (Code of Virginia, §2.1-639.1 et seq.) to the city clerk for submission to the clerk of the circuit court no later than December of the preceding year.
- (c) A member of the Board of Zoning Appeals may only be removed from the office by the circuit court. Prior to removal, the court shall review the written charges and after holding a public hearing the court may remove the person from office for just cause.

Sec. 130-654. Vacancies.

The secretary of the Board of Zoning Appeals shall notify the Clerk of the Council whenever a vacancy occurs. This notice shall be forwarded to the appointing circuit court for action. The Clerk of the Council shall also provide the court written notice at least 30 days in advance of the expiration of any term of office. The Mayor and Council shall make a recommendation to the appointing court with respect to a replacement.

Sec. 130-655. Organization.

- (a) The Board of Zoning Appeals shall conduct an annual organizational meeting in the month of January, if possible, to elect a chairman, vice-chairman, secretary and such other officers as it deems necessary for the remainder of that calendar year.

- (b) Officers on the Board of Zoning Appeals may be reelected to succeed themselves.
- (c) Any officer vacancy on the board of zoning appeal may be filled by special election.
- (d) The Board of Zoning Appeals shall adopt in December or January the official Board of Zoning Appeals calendar identifying scheduled meetings and close of docket for the next year.
- (e) The Board of Zoning Appeals may, by resolution, fix certain days on its calendar to which meetings shall be continued, if the chairman or vice chairman finds and declares that weather conditions are such that it is hazardous for members to attend the meeting. Such findings shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required, provided the resolution setting the schedule is inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.
- (f) Meetings of the Board of Zoning Appeals shall be held in accordance with the official calendar unless canceled by the chairman due to lack of business.
- (g) Special meetings of the Board of Zoning Appeals shall be held at the call of its chairman, or vice-chairman and at such times as the majority of the Board of Zoning Appeals may determine.
- (h) Any regular member who knows he will be absent from, or will have to abstain from any application at a meeting, shall notify the chairman of the board no less than 24 hours prior to such meeting.
- (i) Whenever a regular member abstains from a vote on any application, the designated alternate member shall assume all voting privileges of the regular member on that matter.

Sec. 130-656. Quorum.

A quorum on the Board of Zoning Appeals shall be at least three members unless as otherwise provided for by the State and Local Government Conflict of Interests Act (Code of Virginia, §2.1-639.1 et seq.).

Sec. 130-657. Administration.

- (a) The Board of Zoning Appeals may make, alter or rescind such rules of procedure, regulations, bylaws and forms as it may consider necessary and consistent with the ordinances of the city and general laws of the Commonwealth.
- (b) Except for deliberating an appeal, which may be done in executive session, all meetings of the Board of Zoning Appeals shall be open to the public and shall otherwise conform to the Virginia Freedom of Information Act (Code of Virginia, §2.1-340 et seq.).
- (c) The Board of Zoning Appeals shall keep minutes of its proceedings, which shall reflect the vote of each member upon each question, noting if absent, or failing to vote.

- (d) In addition to minute books, the Board of Zoning Appeals shall keep records of its examinations, public hearings, public advertising and other official actions, all of which will be immediately filed in the department of community development and shall constitute a public record.
- (e) All advertisements for public hearings and other notices shall conform to the requirements of the Code of Virginia.
- (f) Except as otherwise provided in the State and Local Government Conflict of Interests Act (Code of Virginia, §2.1-639.1 et seq.), a favorable vote of three members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which the Board of Zoning Appeals is required to act.

Sec. 130-658. Compensation and support services.

Board of Zoning Appeals members may be compensated for their services at the discretion of and in such amounts as the City Council may determine. Within the limits of funds appropriated by the council, the Board of Zoning Appeals may employ or contract for secretaries, clerks, court reporters, legal counsel, consultants, and other technical and clerical services when such services are not provided by or available from the city.

Sec. 130-659. Records and reports.

In addition to records required by Section 130-657, the Board of Zoning Appeals shall submit an annual report of previous fiscal year's activities to the mayor and City Council on or before September 30.

Sec. 130-660. Powers and duties.

The Board of Zoning Appeals shall have the following powers and duties:

- (1) *Appeal from administrative determination.* To hear and decide appeals from any order, requirement, decision or determination by an administrative officer in the administration or enforcement of this article or of any ordinance adopted pursuant thereto.
- (2) *To grant variances:*
 - a. To authorize upon appeal or original application in specific cases a variance as defined in Code of Virginia, §15.2-2201, under the circumstances described in Code of Virginia, §15.2-2309. When granting a variance from the terms of this article, the Board of Zoning Appeals shall determine that the request is not contrary to the public interest, and when owing to special conditions, a literal enforcement of the ordinance will result in unnecessary hardship; provided that the spirit of this article shall be observed and substantial justice done.
 - b. In authorizing a variance, the Board of Zoning Appeals may impose such conditions regarding the location, character and other features of a proposed

structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

- c. Notwithstanding any other provision of law, the property upon which a property owner has been granted a variance shall be treated as conforming for all purposes. However, the structure permitted by the variance may not be expanded unless the expansion is within an area of the site, or part of the structure, for which no variance is required under this Code. Where the expansion is proposed within an area of the site, or part of the structure, for which a variance is required, the approval of an additional variance shall be required.
- (3) *To determine setbacks for nonconforming lots.* To act upon the request of the property owner of a nonconforming lot and establish setback requirements as prescribed by Section 130-162
 - (4) *To hear and decide applications for interpretation of the zoning map.* Where there is an uncertainty as to the location of a district boundary, the Board of Zoning Appeals, after due notice to the property owners affected by the question, and with notice of public hearing as required by Code of Virginia, §15.2-2204, may render an interpretation relating to the official zoning map to carry out the intent and purpose of this article for the particular line or district in question.
 - (5) *To administer oaths, summon witnesses.* The chairman of the Board of Zoning Appeals, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses.
 - (6) *Prohibitions.* No provision of this section shall be construed as granting the Board of Zoning Appeals the power to rezone property.

Sec. 130-661. Procedure on appeal.

- (a) *Who may appeal.* An appeal to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the city affected by any decision of the Zoning Administrator, or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this chapter or any ordinance adopted pursuant thereto. Any written notice of a zoning violation or a written order of the Zoning Administrator shall include a statement, as provided for in Code of Virginia, §§15.2-2311 and 15.2-2286, informing the recipient that he may have a right to appeal the notice of violation or written order within the time period as specified in Section 130-731, and that the decision shall be final and unappealable if not appealed within the time prescribed. The appeal period shall not commence until such statement is given. A written notice of a zoning violation or a written order of the Zoning Administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax

assessment books or current real estate tax assessment records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section.

- (b) *Application and fees.* An appeal must be made within the time as specified on the notice, but not more than 30 days after the decision appealed from, if not otherwise specified in this chapter, by filing on the form provided a notice of appeal with the Zoning Administrator and the Board of Zoning Appeals, which appeal shall specify the grounds thereof, together with the filing fee in the sum set forth by uncodified ordinance of the City Council setting the current fee schedule for zoning matters. The application and accompanying maps, plans and other documentation constituting the record upon which the action appealed from was taken shall be transmitted promptly to the secretary of the board or administrative designee, who shall place the matter on the docket.
- (c) *Limitations.* In no event shall a written order, requirement, decision or determination made by a Zoning Administrator or other administrative officer be subject to change, modification or reversal by any Zoning Administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the Zoning Administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the City Attorney, modification is required to correct clerical or other nondiscretionary errors.
- (d) *Stay of proceedings.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless a restraining order is granted by the Board of Zoning Appeals or by the circuit court on application and on notice to the Zoning Administrator and for good cause shown.
- (e) *Notice and hearing required, planning commission recommendation.* After entering the appeal on the docket, the secretary of the Board of Zoning Appeals shall advertise a public hearing, in accordance with Code of Virginia, §15.2-2204, give written notice to the parties in interest and request the Zoning Administrator to transmit a copy of the application to the planning commission, which may send a written recommendation to the Board of Zoning Appeals to appear as a party at the public hearing.
- (f) *Burden of proof.* The applicant for a variance has the burden of providing that denial of a variance will result in a clearly demonstrable hardship as distinguished from a special privilege or convenience sought by the applicant, proving that the hardship is due to the zoning ordinance itself, and of providing to the satisfaction of the Board of Zoning Appeals that requirements for a variance stipulated in the Code of Virginia have been met.

- (g) *Findings required of Board of Zoning Appeals.* The Board of Zoning Appeals shall fix a reasonable time for hearing an application and must decide the same within 90 days from the date of the initial public hearing. In exercising its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from the concurring vote of the majority of the members present and voting shall be necessary to grant a variance or to pass upon any matter before the Board of Zoning Appeals except as provided for under Section 130-656. The decision of the Board of Zoning Appeals must be based on the evidence adduced at a public hearing and must include findings of facts disclosing the evidence relied upon by the Board of Zoning Appeals, and otherwise state the basis and grounds for its decision to ensure that the provisions of the Code of Virginia and this article have been met.
- (h) *Board of Zoning Appeals to issue order.* Whenever the Board of Zoning Appeals shall grant a variance, the secretary of the Board of Zoning Appeals shall cause an order to be recorded among the land records of the city evidencing such grant and shall send a copy to the applicant, to the Zoning Administrator and to such other parties as he may deem necessary.

Sec. 130-662. Judicial review and relief.

- (a) Certiorari to review decision of Board of Zoning Appeals. Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any taxpayer or any officer, department, board or bureau of the city may present to the circuit court of the county a petition specifying the grounds on which aggrieved within 30 days after the final decision of the Board of Zoning Appeals.
- (b) Parties aggrieved entitled to writ. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the Board of Zoning Appeal's attorney. The allowance of the writ shall not stay proceedings upon the decision appealed from; but the court may, on application, on notice to the Board of Zoning Appeals and for due cause shown, grant a restraining order.
- (c) Other parties to suit. If the petition is presented by the City Council, the City Council shall be a party to the suit. The court may, likewise, admit as a party to the suit any person who, if the decision had been adverse, would have been authorized under this article to present a petition in the first instance.
- (d) Board of Zoning Appeals to make return. The Board of Zoning Appeals shall not be required to provide the original papers acted upon by it to the court, but it shall be sufficient to provide certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (e) In the case of an appeal to the circuit court of an order, requirement, decision or determination of a Zoning Administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, the findings and conclusions of

the Board of Zoning Appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by providing by a preponderance of the evidence, including the record before the Board of Zoning Appeals, that the Board of Zoning Appeals erred in its decision. Any party may introduce additional evidence in the proceedings in the court. The court shall hear any arguments on questions of law de novo.

- (f) In the case of an appeal to the circuit court of any decision of the Board of Zoning Appeals that denied or granted an application for a variance, the decision of the Board of Zoning Appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the Board of Zoning Appeals applied erroneous principles of law or, where the discretion of the Board of Zoning Appeals is involved, the decision of the board was plainly wrong and in violation of the purpose and intent of the zoning ordinance.
- (g) Costs not allowed. Costs shall not be allowed against the Board of Zoning Appeals unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

Secs. 130-663—130-690. Reserved.

**PLANNING COMMISSION
RESOLUTION**

Re: ZTA #2015-02, Zoning Ordinance Update – Article X, Board of Zoning Appeals

WHEREAS, pursuant to Virginia Code §15.2-2283, zoning ordinances shall be for the general purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of planning to facilitate the creation of a convenient, attractive, and harmonious community; and

WHEREAS, to effectuate the aforesaid general purposes of zoning and such other purposes as set forth in Virginia Code §15.2-2283, the zoning ordinance is to be considered a “living” document that is subject to amendment for the purposes of updating the ordinance for public necessity, convenience, general welfare, or good zoning practices; and

WHEREAS, on March 26, 2015, the General Assembly enacted Chapter 597 of the Virginia Acts of Assembly, 2015 Session, to amend and reenact §§15.2-2201, 15.2-2308, 15.2-2309, and 15.2-2314 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2308.1, relating to variances effective July 1, 2015; and

WHEREAS, Planning Commission initiated zoning text amendment ZTA #2015-02 to Amend Chapter 130 of the Code of Manassas to update Article X, Board of Zoning Appeals for compliance with state law taking effect July 1, 2015, and other technical updates; and

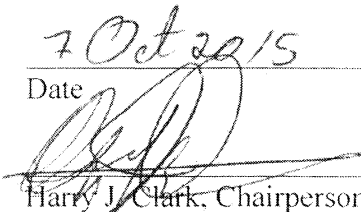
WHEREAS, the Planning Commission held a public hearing on October 7, 2015, to hear public comment on the proposed text amendment after full compliance with all State Code public hearing notice requirements; and

WHEREAS, the Commission has heard from the City staff and the public with regards to this zoning text amendment; and

WHEREAS, upon careful consideration, the Planning Commission finds that approval of ZTA #2015-02 is justified by public necessity and convenience, promotes the health, safety, and general welfare of the public, and is consistent with reasonable zoning practices, and state and federal law.

NOW THEREFORE BE IT RESOLVED that the Planning Commission hereby **RECOMMENDS APPROVAL** of ZTA #2015-02 this 7th day of October, 2015.

7 Oct 2015
Date


Harry J. Clark, Chairperson

FILLER PAGE

AGENDA STATEMENT

PAGE NO. 89

ITEM NO. 21

MEETING DATE: December 14, 2015

TIME ESTIMATE: 30 Minutes (Public Hearing)

AGENDA ITEM TITLE: Public Hearing for REZ #2016-01 and SUP #2016-03, Davis Ford Crossing Proffer Amendment and Sign Package, 9860 and 9879 Liberia Avenue

DATE THIS ITEM WAS LAST CONSIDERED BY COUNCIL: N/A

SUMMARY OF ISSUE/TOPIC: To consider a proffer amendment for the Davis Ford Crossing shopping center to increase the number of pad sites from three to four, increase the allowable height on the fourth pad site from 15' to 17'6", and increase the number of drive-thru fast food restaurants allowed on the property from two to three. The proffer amendment will replace and consolidate the current proffers approved for this property as part of REZ #1993-02, REZ #2003-01, and REZ #2013-01. A special use permit would allow a third wall sign on each pad site.

STAFF RECOMMENDATION: Hold the public hearing. At the conclusion of the public hearing, Staff recommends that the public hearing be closed and action scheduled for the City Council meeting on January 11, 2016.

BOARD/COMMISSION/ COMMITTEE: Planning Commission – November 4, 2015 (recommended approval 5/0)

RECOMMENDATION: **Approve** **Disapprove** **Reviewed** **See Comments**

CITY MANAGER: *WPH* **Approve** **Disapprove** **Reviewed** **See Comments**

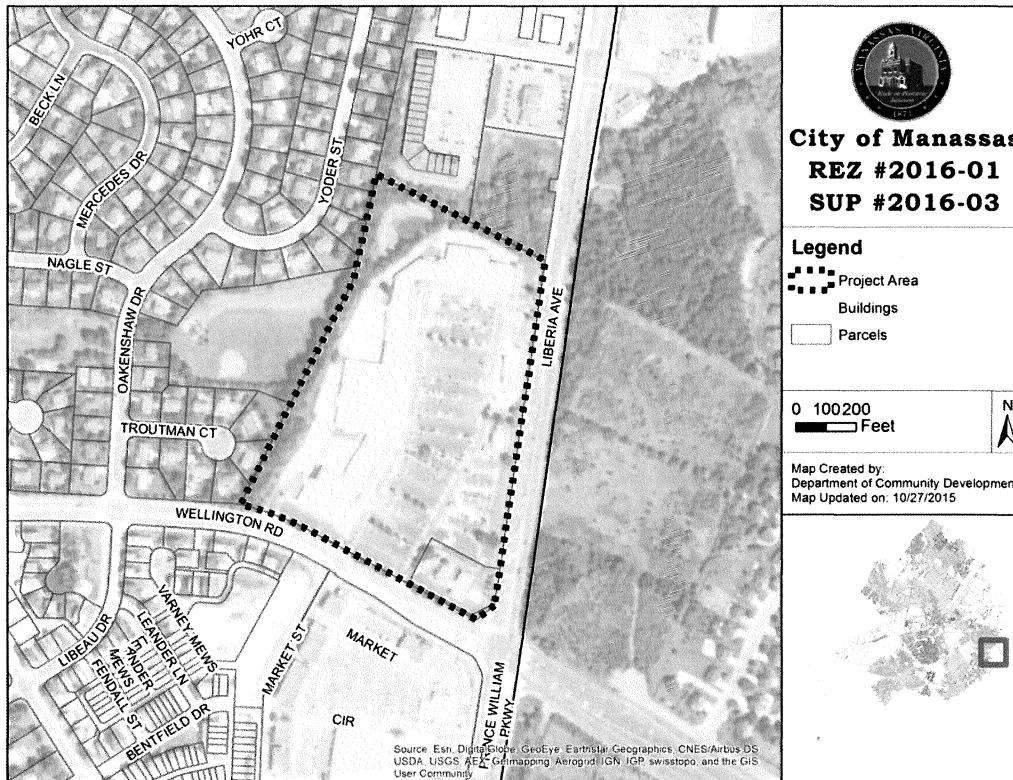
COMMENTS: Staff also recommends approval as proffered and conditioned.

DISCUSSION (IF NECESSARY): See attached staff report.

BUDGET/FISCAL IMPACT: N/A

STAFF: Kelly Davis, Senior Planner (703-257-8225).

CITY OF MANASSAS PLANNING COMMISSION STAFF REPORT
Davis Ford Crossing Proffer Amendment and Sign Package
REZ #2016-01 and SUP #2016-03



Proposed Use: This is a request for a proffer amendment for the Davis Ford Crossing shopping center to increase the number of pad sites from three to four, increase the allowable height on the fourth pad site from 15' to 17'6", and increase the number of drive-thru fast food restaurants allowed on the property from two to three. The proffer amendment will replace and consolidate the current proffers approved for this property as part of REZ #1993-02, REZ #2003-01, and REZ #2013-01. A special use permit would allow a third wall sign on each pad site.

Location: The site is located at the intersection of Liberia Avenue, Wellington Road, and the Prince William Parkway. The generalized development plan (GDP) includes two parcels: 9860 and 9879 Liberia Avenue. These properties are further identified as tax map numbers 100-45-00-288A1 and 100-45-00-288A2.

Existing Zoning: B-4, General Commercial, with Proffers.

Parcel Size: 18.96 acres

Comprehensive Plan Designation: This site is located in the Business Corridor character area of the City of Manassas Comprehensive Plan.

Date Accepted for Review: September 28, 2015
 Planning Commission Hearing: November 4, 2015
 City Council Hearing: December 14, 2015

CITY OF MANASSAS PLANNING COMMISSION STAFF REPORT
Davis Ford Crossing Proffer Amendment and Sign Package
REZ #2016-01 and SUP #2016-03



MEMORANDUM

CITY OF MANASSAS

Department of Community Development
Phone: 703-257-8223 Fax: 703-257-5117

REZ #2016-01, Davis Ford Crossing Proffer Amendment
SUP #2016-03, Davis Ford Crossing Sign Package
9860 and 9879 Liberia Avenue

Public Hearing Dates:

Planning Commission: November 4, 2015
City Council: December 14, 2015

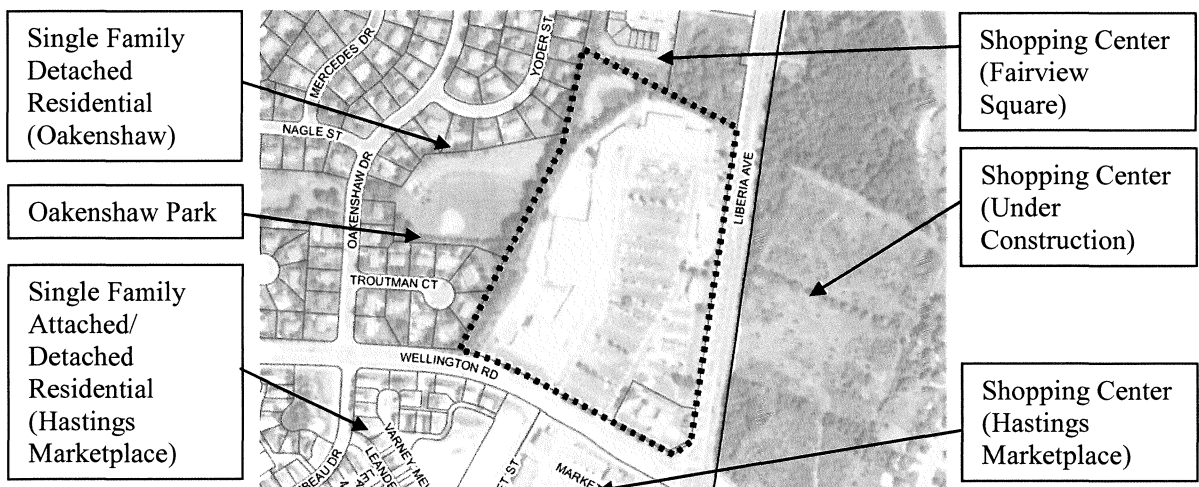
Recommendation:

Planning Commission: Approval
Staff: Approval

OVERVIEW OF REQUEST

Request: This is a request for a proffer amendment for the Davis Ford Crossing shopping center to increase the number of pad sites from three to four, increase the allowable height on the fourth pad site from 15' to 17'6", and increase the number of drive-thru fast food restaurants allowed on the property from two to three. The proffer amendment will replace and consolidate the current proffers approved for this property as part of REZ #1993-02, REZ #2003-01, and REZ #2013-01. A special use permit would allow additional wall signage on the pad sites.

Surrounding Land Uses:



Level of Service: There are no level of service impacts associated with this request and no other changes to the proffers are offered by the applicant or recommended by the staff.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing on November 4, 2015. One public comment in favor of the application was received at the meeting. Draft Planning Commission minutes are attached. The Planning Commission recommends approval of REZ #2016-01 Davis Ford Crossing Proffer Amendment, as proffered, by a vote of 5-0. Planning Commission also recommends approval of SUP #2016-03 as conditioned, by a vote of 5-0.

STAFF RECOMMENDATION

Staff finds the applicant's proposal to be generally consistent with the comprehensive plan and, with the proposed mitigating proffers, is compatible with existing, adjacent land uses and patterns of development. Staff recommends approval of REZ #2016-01 Davis Ford Crossing Proffer Amendment, as proffered dated November 5, 2015. Staff also recommends approval of SUP #2016-03 as conditioned dated November 5, 2015.

Staff: Kelly Davis, Senior Planner, 703-257-8225, kdavis@manassasva.gov

Attachments:

1. Staff Analysis
2. Proffers dated November 5, 2015
3. Conditions dated November 5, 2015
4. Generalized Development Plan (GDP) and Elevations
5. Planning Commission Draft Minutes and Resolution

Application and original agency comments are available at the Department of Community Development office (9027 Center Street, Manassas, VA Room 202) and can also be provided upon request.

ATTACHMENT 1: STAFF ANALYSIS

Background and History:

The property was first rezoned in 1988 (REZ #1988-06) from R-2-S, Single Family Residential to B-4, General Commercial. That rezoning included the commercial strip center but was anchored by a 35,420 square foot building at what is now the corner of Liberia Avenue and Wellington Road. Over the past 25 years, the following proffer amendments have been approved to modify uses and operational constraints within the shopping center:

1. The rezoning was amended in 1990 (REZ #1990-02, Proffer 14(b)) to allow for the development of a convenience store within the shopping center, prohibiting gasoline sales, allowing a third drive-thru window in addition to the maximum of two drive-thru windows approved under the original application. The third drive-thru window was permitted for a fast food restaurant and the remaining two limited to financial institutions.
2. In 1993, the proffers related to the previous two rezonings were superseded by REZ #1993-02 which amended the proffers to allow a gasoline station, car wash and convenience store on the corner of Liberia Avenue and what is now Wellington Road.
3. In 2003, the Proffer 14(b) was amended under REZ #2003-01 to allow an additional fast food restaurant (Arby's) in a pad site previously limited to a financial institution.
4. In 2013, Proffer 14(f) was amended to allow a wellness facility/fitness (LA Fitness) center to increase hours of operation from 20 to 24 hours per day.

This request is for an additional modification of the proffers to allow a third drive-thru restaurant in a vacant area of the property, hereafter referred to as the "fourth pad site". This area is prohibited from any development under the current proffers. The drive-thru restaurant would otherwise be permitted as a by-right use in the underlying B-4 zoning district per Sec. 130-241, but is prohibited in the Davis Ford Crossing shopping center under the current proffers.

The applicant also requests a special use permit for a comprehensive sign plan, as permitted under Sec. 130-123 of the zoning ordinance. Under the zoning ordinance, these pad sites are each currently limited to one (1) wall sign over the primary entrance of the building (Sec. 130-126(c)) and one (1) wall sign on the building face fronting on a public street. For the existing and proposed pad sites, the applicant requests that each building be allowed to have up to three (3) wall signs per pad. All other signs would be in accordance with the zoning ordinance.

Comprehensive Plan Analysis:

This site is located in an existing shopping center within the Business Corridor character area and generally conforms to the principles and priorities outlined in the comprehensive plan.

Land Use

Manassas will maintain its existing pattern of residential, commercial, and open space land uses, emphasize improved design principles, promote mixed uses compatible with existing neighborhoods, accommodate high quality infill and redevelopment where appropriate, and reinforce the unique and positive qualities of diverse neighborhoods.

Goal/Objective/Strategy	Staff Analysis
Chapter 3: Land Use (Comprehensive Plan)	
<i>Objective 3.3:</i> Promote mixtures of residential, commercial, open space, and civic land uses designed to create economic and living opportunities that are positive influences on the City and adjacent neighborhoods.	The proffer amendment supports the infill development goals of the comprehensive plan and provides a nationally recognized restaurant use that will generate a positive fiscal impact for the City. The use is generally consistent with the goals of the Business Corridor character area and is a by-right use in the underlying zoning district.

Land Use

Liberia Avenue has developed into a successful commercial corridor for both the City of Manassas and Prince William County. The Davis Ford Crossing shopping center is located in this corridor, which the comprehensive plan designates as a Business Corridor character area. The shopping center, as it exists, exhibits the defining characteristics of this character area, including large-format, regionally serving retail with outlot buildings aligned along a major roadway.

The proposed proffer amendment would allow a land use that is permitted by-right in the underlying zoning district (B-4), but is prohibited under the current proffers for the shopping center. Allowing this use will support the character area’s focus priority of allowing for infill development with an appropriate land use for the district.

Building Design

In staff’s analysis, the proposed four-sided, brick architecture meets the intent of the character area’s focus priority of high-quality building design and site development. The comprehensive plan notes that buildings within a development should have a coordinated style or theme and that franchise architecture may require some modification to meet the local context. The applicant has modified their originally-proposed design to include brick materials consistent with the other pad sites in the shopping center.

Sign

The Business Corridor character area requires that signage within a development be complimentary to the development’s overall style as well as consistent along a corridor. While the applicant specifically requested an additional wall sign for the fourth pad site only, the special use permit was broadened to treat all four pad sites consistently. The special use permit

conditions ensure that the total wall sign area does not exceed the total allowable wall sign area permitted under the zoning ordinance in order to minimize visual clutter and continue to provide consistent treatment across the corridor.

Table 1. Pad Site #4 Permitted and Proposed Sign Area Comparison

Code Section	Sign Type	Building Face	Permitted Sign Area	Proposed Sign Area
Sec. 130-126(d)	Wall Sign (Right-of-Way)	Front	60'	50.84'
Sec. 130-126(c)	Wall Sign (Entrance)	Right	112.5'	50.84'
Special Use Permit	Wall Sign	Left	NA	41.97'
		Total	172.5'	143.65'

Economic Development

Manassas will have a strong and diverse economy that provides quality jobs, meets the retail needs of the community, attracts new residents, and creates tourism opportunities, while generating revenues that provide for superior public services and facilities.

The proposed proffer amendment will generate a positive fiscal impact by providing additional real estate value and meals tax.

Mobility

Manassas will have a safe, efficient, multi-modal transportation system with streets sufficient to support businesses and residents, providing public transportation and pedestrian- and bicycle-friendly facilities, while being sensitive to the design context of the City and its neighborhoods.

Location and Access

The Davis Ford Crossing shopping center is located at the intersection of two major thoroughfares: Liberia Avenue and Prince William Parkway/Wellington Road. The shopping center has access to two signalized intersections, one on Liberia Avenue and one on Wellington Road. Two additional vehicular access points are provided on Liberia Avenue, one right-in/right-out between McDonald's and United Bank; the other is a right-in only between the Exxon Gas Station and proposed pad site #4. Wellington Road includes two additional right-in/right-out access points. The site also has bike access from both Liberia Avenue (Sign Shared Road) and Wellington Road (Shared Use Path).

There are no changes to the location and access of the Davis Ford Crossing shopping center as a result of this proffer amendment. Access to the fourth pad site will be via the main drive aisles within the shopping center or from the existing right-in only entrance from Liberia Avenue.

Circulation

The Department of Public works provided comments on traffic circulation within the fourth pad site. Based on these recommendations, the site was reconfigured to enhance on-site traffic circulation, improve the trash facility configuration, and optimize the overall functionality of the site. In order to accommodate this reconfiguration, a DCSM waiver was approved to allow a reduction from 11 to eight drive-thru stacking spaces. These changes are reflected in the attached GDP.

Parking

The most recent parking tabulation for the Davis Ford Crossing shopping center was approved on March 17, 2015, and shows a surplus of 113 parking spaces. The fourth pad site will result in a parking reduction of 22 spaces. A revised parking tabulation will be required for site plan approval.

Utilities

Public Utilities: City of Manassas utilities are well-maintained to provide quality, dependable service to our citizens and are carefully planned to support economic development with sufficient system capacity to meet anticipated long-term growth in an environmentally sensitive manner.

The site has access to adequate public sanitary sewer, public water, telephone, electric, and storm sewer utilities. Based on the City's comments, wastewater constituents will be handled via an exterior grease interceptor to mitigate potential adverse impacts of food production on the sanitary sewer system.

Environment

Manassas will manage the impact of growth and development to protect and preserve the natural environment in such a way as to ensure long range environmental health and sustainability.

The site is currently developed as a shopping center; therefore, adverse impacts to the environment are not anticipated. Through site plan approval, the project will be subject to City development standards, including stormwater and landscaping.

PROPOSED PROFFERS

Currently, the Davis Ford Crossing shopping center is regulated under three proffer statements: REZ #1993-02, REZ #2003-01, and REZ #2013-01. This proffer amendment will replace and consolidate the current proffers approved for this property under a single proffer statement. The proffer statement will also include amendments to allow an additional drive-thru restaurant and make other minor modifications to accommodate height and refuse storage requirements of the applicant. Staff is satisfied that the applicant's proposed proffer amendment will meet the intent of the existing proffers and will not disrupt the use of the existing shopping center.

The requested changes are as follows:

Proffer 2. Development Standards

(b) There shall not be more than ~~three~~ four "pad sites" and they shall be located in general conformance with the ~~Generalized Development Plan~~ plan entitled "Pad Sites at Davis Ford Crossing - Overall Exhibit," prepared by LDC, dated September, 2015, revised November 2, 2015 attached hereto as Attachment C ("GDP #2).

(c) Except for any "anchor stores" and Section E of the shopping center as shown on the Generalized Development Plan (GDP #1), the height of the buildings on the property shall not exceed 15 feet, measured from the average bottom of the building to the average bottom of the roofing. The portion of the shopping center occupied by a grocery store or anchor store shall not exceed 26 feet in height measured from the average bottom of the building to the average bottom of the roofing. The buildings in Section E of the shopping center shall not exceed 27 feet in height measured from the average bottom of the building to the average bottom of the roofing. The building height for the fourth pad site, identified on GDP #2, shall not exceed 17 feet 6 inches, measured from the average bottom of the building to the average bottom of the roofing.

(j) The building and associated signage located on Pad #4, as identified on GDP #2 shall be in substantial conformance with the elevation entitled "Krispy Kreme Doughnuts – Exterior Elevations," prepared by NRD Architects and Engineers, dated November 4, 2015, (the "Building Elevations"), Attachment D. The Building Elevations may be subject to minor modification approved by the City of Manassas Zoning Administrator or designee in connection with site plan review. Additional changes to the architecture and material may be made provided that any such changes are approved by the Zoning Administrator or designee and such approval shall be based on a determination that the changes result in a building or sign that is of equal or better quality than that shown on the Building Elevations.

Analysis: The proposed modifications to proffer #2 allow the use of a currently vacant area to be developed as a pad site in substantial accordance with the proffered elevations. The modification also permits a 2.5-foot increase in the building height for the fourth pad site, as measured from the average bottom of the building to the average bottom of the roofing, to accommodate franchise architecture. While the franchise architecture requires an increase to the specific measurement of building height denoted in the proffers, Table 2 shows that the overall building height depicted in the elevations are generally consistent with that of the existing pad site restaurants in the shopping center. The requested building height modification remains significantly lower than the maximum structure height of 55 feet that is allowed in the underlying zoning district per Sec. 130-305 of the zoning ordinance.

Table 2. Davis Ford Crossing Pad Site Restaurant Building Heights

Feature	Arby's*	McDonald's**	Proposed Krispy Kreme
Top of Roof Deck	13.06'	15.33'	17.32'
Top of Parapet	18.31'	20.25'	20.67'
Top of Ridge	24.31'	20.25'	23.5'

*Arby's Top of Roof Deck based on bottom of parapet estimated from available elevations

** McDonald's Top of Roof Deck based on arcade wall measurements from available building plans

Proffer 13. Refuse, Storage

(a) All refuse shall be deposited in compactors or fully enclosed dumpsters that shall be screened on three sides in lieu of open dumpsters and the dumpsters for the pad sites shall utilize a non-transparent gated front.

~~(b) Refuse compactors shall be located as shown on the Generalized Development plan.~~

Analysis: The proposed modifications to proffer #13 allow the use of fully enclosed dumpsters in addition to trash compactors. The applicant has indicated that the requirement for compactors was associated with the former grocery store retail use within the shopping center. Dumpsters are currently used on the existing pad sites for refuse storage. Dumpsters must be fully screened in accordance with zoning ordinance Sec. 130-61 and the DCSM.

Proffer 14. Uses

(b) One convenience store shall be permitted in the section of the shopping center designated as Building Eleven (11) as depicted on the Site Plan originally dated January, 1989, as thereafter amended (the "Plan") and prepared by Rinker, Detwiler and Associates, attached hereto as Attachment E; provided, however, that a convenience store shall also be permitted in connection with gasoline sales in the section of the shopping center designated as Building Seventeen (17) on the Plan. ~~One-Three~~ drive-thru fast food ~~restaurant restaurants~~ shall be permitted on the property, as shown on Attachment C. ~~Two~~ One additional drive-thru ~~uses use~~ shall be permitted on the property, but shall be limited to a financial institutions institution. The aforesaid drive-thru uses shall only be permitted on Buildings Fourteen (14), Fifteen (15), Sixteen (16), or Seventeen (17) as shown on the aforesaid Site Plan.

Analysis: The proposed modifications to proffer #14 allow the use of a currently vacant area to be utilized as a restaurant. This use is allowed by-right in the underlying zoning district (B-4, General Commercial) and is consistent with the use of other pad sites within the shopping center.

CONDITION ANALYSIS

The conditions, as proposed, would permit a third sign on each of the pad sites as delineated on the GDP. Additional mitigating conditions of the SUP are as follows:

1. Condition #2 allows a third wall sign on each of the four pad sites, but limits the total area of the three signs to the total allowable wall sign area normally permitted under the zoning ordinance. The appearance of the wall signs for pad site #4 has been proffered to be in substantial conformance as part of the proffer amendment application.
2. Condition #3 limits the area of window signs to twenty-five percent (25%) of the total area of the window or door in order to prevent visual clutter and promote public safety by ensuring visibility into customer areas.

100

PROFFER STATEMENT

Rezoning #2016-01

Davis Ford Crossing Shopping Center
9860 Liberia Avenue
Tax Map #100-45-288 A1

November 5, 2015

Parcel 100-45-288 A1, known as the Davis Ford Crossing Shopping Center, is currently subject to proffers accepted in conjunction with REZ# 93-02, REZ# 2003-01 and REZ# 2013-01, which include and supersede the proffers accepted with REZ# 90-02 and REZ# 88-06. This amended and restated Proffer Statement shall supersede proffers accepted in conjunction with REZ# 93-02, REZ# 2003-01 and REZ# 2013-01. In the event this amended Proffer Statement is not granted as applied for by the Applicant, these proffers shall be withdrawn and are null and void and the previously accepted proffers for REZ# 93-02, REZ# 2003-01 and REZ# 2013-01 shall remain in full force and effect.

The undersigned hereby proffers that the use and development of the property that is the subject of this application shall be in strict accordance with conditions as follows:

1. Landscaping and Buffering
 - a. A buffer area ranging from seventy-five feet to forty-five feet shall be provided as generally shown on the Generalized Development Plan (GDP #1), attached hereto as Attachment A.
 - b. The existing mature trees on the boundary between the subject property and Beckford Grant Subdivision and the mature trees located within the buffer area along Davis Ford Road shall not be removed so long as they are living and present no danger to the adjacent property. Any existing trees that die within six months after the completion of the berm shall be replaced with trees equal in size to those planted on the berm referred to in proffer c.
 - c. An earthen berm shall be constructed within the buffer area except in those areas where existing vegetation is preserved for screening purposes as shown on the Generalized Development Plan (GDP #1). Said berm shall have a slope not exceeding 2:1 on the side facing Beckford Grant. In the area designated as Section A of the shopping center on the Generalized Development Plan (GDP #1), the berm shall be twelve feet high topped with a six foot high solid fence. In all other areas, the berm shall be at least ten feet high topped with a six foot high solid fence. The fence on the berm in the area designated as Section A of the shopping center shall be continued to the Davis Ford Road right-of-way line. It shall intersect with a ten foot high solid fence which shall be erected parallel to Davis Ford Road provided permission can be obtained from all property owners and those having easement rights. This fence shall extend to the intersection of

Oakenshaw Drive and Davis Ford Road, but shall be stepped down at the intersection so as to not interfere with vehicular visibility

- d. A solid ten foot fence shall also be constructed between the buffer area and the storm water management facility for noise attenuation provided a variance from the City regulations to permit a ten foot high fence can be obtained and approval of all other necessary parties.
- e. Within the buffer area, existing vegetation that provides effective screening shall be maintained where possible. Vegetation shall be planted within the buffer zone in accordance with the landscape plan set forth as Exhibit One, attached hereto as Attachment B. In areas where existing trees are maintained (as shown on the Generalized Development Plan) (GDP #1) but do not provide an effective visual screen, the natural vegetation shall be supplemented with the planting of evergreens in the understory of existing trees.
- f. Landscaping shall be provided along the edges of the proposed storm water management pond as shown on the landscape plan attached hereto and incorporated herein.
- g. Landscaping shall be provided along Liberia Avenue and Davis Ford Road as shown on the landscape plan.
- h. A minimum of five percent (5%) of the parking lot area shall be landscaped.
- i. All plantings shall be maintained in good order and all deceased plants replaced as quickly as weather conditions permit.

2. Development Standards

- a. The maximum gross square footage of all buildings located on this site shall not exceed 170,000 square feet.
- b. There shall not be more than four "pad sites" and they shall be located in general conformance with the plan entitled "Pad Sites at Davis Ford Crossing – Overall Exhibit," prepared by LDC, dated September, 2015, revised November 2, 2015 attached hereto as Attachment C ("GDP #2)
- c. Except for any "anchor stores" and Section E of the shopping center as shown on the Generalized Development Plan (GDP #1), the height of the buildings on the property shall not exceed 15 feet, measured from the average bottom of the building to the average bottom of the roofing. The portion of the shopping center occupied by a grocery store or anchor store shall not exceed 26 feet in height measured from the average bottom of the building to the average bottom of the roofing. The buildings in Section E of the shopping center shall not exceed 27 feet in height measured from the average bottom of the building to the average bottom of the roofing. The building height for the fourth pad site, identified on GDP #2, shall not exceed 17 feet 6 inches, measured from the average bottom of the building to the average bottom of the roofing.
- d. The buildings within the shopping center (excluding pad sites) shall be of an architectural design including finishes, substantially similar to the architectural themes prevalent in Manassas. The applicant shall consult with the Community

Relations Committee ("CRC") – see proffer 17) prior to submitting building plans to the City of Manassas and with the City Architectural Review Board on the exterior architectural treatment of all buildings.

- e. The sides of all buildings visible from Beckford Grant Subdivision shall be finished with residentially compatible materials.
- f. There shall be no windows or storefronts on the walls of the shopping center (excluding pad sites and buildings in Section E of the shopping center as designated on the Generalized Development Plan (GDP #1)) facing the Beckford Grant Subdivision.
- g. All mechanical equipment on the roof visible from the Beckford Grant Subdivision shall be screened by a mansard roof or in some other fashion.
- h. All buildings shall be maintained in good repair.
- i. Access to the rear of the shopping center shall be controlled from 10:00 p.m. to 6:00 a.m. on weekdays and from 9:00 p.m. to 7:00 a.m. on weekends with a locked gate, with access provided to fire and rescue and the police department at all times.
- j. The building and associated signage located on Pad #4, as identified on GDP #2 shall be in substantial conformance with the elevation entitled “Krispy Kreme Doughnuts – Exterior Elevations,” prepared by NRD Architects and Engineers, dated November 4, 2015, (the “Building Elevations”), Attachment D. The Building Elevations may be subject to minor modification approved by the City of Manassas Zoning Administrator or designee in connection with site plan review. Additional changes to the architecture and material may be made provided that any such changes are approved by the Zoning Administrator or designee and such approval shall be based on a determination that the changes result in a building or sign that is of equal or better quality than that shown on the Building Elevations.

3. Lighting

- a. All lighting at the rear of the shopping center shall be directed as to not shine on adjacent properties. No lights shall be placed on the rear façade of the shopping center.
- b. All lighting in parking areas shall be directional and directed so as to not create unreasonable glare on adjacent roads, but sufficient for security and safety.

4. Security

- a. The police department for the City of Manassas shall be permitted to patrol all parking areas.
- b. All reasonable efforts shall be used to discourage loitering, including posting, signs, requiring tenants by lease provision to prohibit loitering, prohibiting video games and participating in a neighborhood watch program.

5. Signs

All freestanding signs shall be of "monument" style. Advertisement signs along Liberia Avenue shall not exceed 20 feet in height. Identification, directional, entrance and exit signs and similar signs shall be permitted along Davis Ford Road provided they do not exceed 12 feet in height or such lesser height as may be permitted by Code. The height of all signs shall be measured from the elevation of the adjacent street.

6. Construction Management

- a. Disturbed areas shall be promptly re-seeded except where construction is occurring or will occur in the immediate future.
- b. The berms referred to in proffer one shall be constructed during the excavation stage of construction. All landscaping within the buffer area shall be planted as soon as is reasonably possible.
- c. All construction shall be done in full accordance with all sediment control regulations.
- d. The owner of the center shall consult with the Community Relations Committee on any impact issues that arise during the construction period.

7. Recreation Facilities

- a. Improvements with a value of at least \$3,000.00 shall be constructed on the baseball field/recreation area adjacent to subject property owned by the City of Manassas. The improvement to be made will be determined by the City Recreation and Parks Committee.

8. Storm Water Management

- a. A storm water management facility shall be constructed in the approximate area shown on the Generalized Development Plan (GDP #1) in order to control storm water run-off.

9. Handicapped Parking

- a. Handicapped parking shall be provided in accordance with applicable regulations.

10. Dedication of Right of Way for Liberia Avenue Construction

- a. The owner shall dedicate to the City of Manassas or the Commonwealth of Virginia for public road improvements and public utilities, a parcel of land fifteen feet in width along the boundary of the property with the current right of way of Liberia Avenue.

11. Dedication of Right of Way for Davis Ford Road; Construction

- a. The owner shall dedicate to the City of Manassas or the Commonwealth of Virginia for public road improvements and public utilities, a parcel of land along the boundary of the property with the current right of way of Davis Ford Road sufficient in width to expand the public right of way from the current center line of Davis Ford Road to a width of forty-two feet. One lane of roadway shall be

constructed along the frontage of the property on Davis Ford Road, to City standards, as shown on the Generalized Development Plan (GDP #1).

12. Vehicular and Pedestrian Access to Beckford Grant

- a. There shall be no vehicular or pedestrian access between the subject property and the Beckford Grant Subdivision.

13. Refuse, Storage

- a. All refuse shall be deposited in compactors or fully enclosed dumpsters that shall be screened on three sides and the dumpsters for the pad sites shall utilize a non-transparent gated front.

14. Uses

- a. The following uses shall not be permitted on the property: dancing (except for aerobic exercise or lessons), fairs, carnivals, automobile repair, public storage, kennels, lumberyards (defined as stores which sell only lumber and lumber related products), bowling alleys, veterinary services where pets are kept overnight, automobile and truck sales, monument works, mortuaries, farm equipment and machinery sales, pool halls and amusement centers (defined as stores the primary business of which is the operation of coin or token operated game machines), and exterior pay phones on pad sites or any building in Section E of the shopping center.
- b. One convenience store shall be permitted in the section of the shopping center designated as Building Eleven (11) as depicted on the Site Plan originally dated January, 1989, as thereafter amended (the "Plan") and prepared by Rinker, Detwiler and Associates, attached hereto as Attachment E; provided, however, that a convenience store shall also be permitted in connection with gasoline sales in the section of the shopping center designated as Building Seventeen (17) on the Plan. Three drive-thru fast food restaurants shall be permitted on the property, as shown on Attachment C. One additional drive-thru use shall be permitted on the property, but shall be limited to a financial institution. The aforesaid drive-thru uses shall only be permitted on Buildings Fourteen (14), Fifteen (15), Sixteen (16), or Seventeen (17) as shown on the aforesaid Site Plan.
- c. The following uses shall not be permitted in the section of the shopping center designated as sections A and B on the Generalized Development Plan (GDP #1): grocery stores, restaurants, convenience stores. Restaurants that are located in Sections C and D of the shopping center as designated on the Generalized Development Plan (GDP #1) shall cause their odors to be controlled so as to not invade the adjacent lots.
- d. Except for non-profit organizations, there shall be no temporary sales activities (i.e., sales of Christmas trees, etc.) on the parking lot.
- e. The loading area for the grocery store and anchor stores shall be located at the side of the store and shall be shielded by a fence between the loading area and the buffer area. The fence shall be of sufficient height and length to completely shield loading and unloading of trucks from the Beckford Grant Subdivision.

- f. In the portion of the shopping center designated as Section A and B on the Generalized Development Plan (GDP #1), no stores shall be permitted to open for business to the public between the hours of midnight and 7:00 a.m. In the portion of the shopping center designated as Section D, no stores will be permitted to open for business to the public between the hours of 2:00 a.m. and 7:00 a.m. No uses on the pad sites or in Section C or Section E of the shopping center as designated on the Generalized Development Plan (GDP #1) shall be permitted to open for business to the public between the hours of 2:00 a.m. and 6:00 a.m. No uses in Section E of the shopping center as designated on the Generalized Development Plan (GDP #1) shall be permitted to open for business to the public between the hours of 12:00 midnight and 5:00 a.m. Provided, however, the convenience store located in Building Eleven (11) as depicted on the site plan originally dated January, 1989, the Plan, and the grocery store or wellness facility/fitness center shall be permitted to be open to the public for business for twenty-four hours per day.
- g. No video games will be permitted on the property.

15. Generalized Development Plan

The buildings to be constructed on the property shall be located within the building envelopes set forth on the Generalized Development Plan (GDP #1) or GDP #2; provided, however, that the building designated number 17 shall be located within the building envelope shown on the Generalized Development Plan dated March 19, 1993, and prepared by The Spectra Group, ("GDP #3), attached hereto as Attachment F.

16. Deceleration Lane

A temporary declaration lane shall be constructed on Liberia Avenue as shown on the Generalized Development Plan (GDP #1).

17. Community Relations Committee


A Community Relations Committee shall be established by the applicant pursuant to applicable restrictive covenants to be recorded against the property.

[Signature on following page.]

106

SIGNATURE PAGE

Davis Ford Crossing, LLC

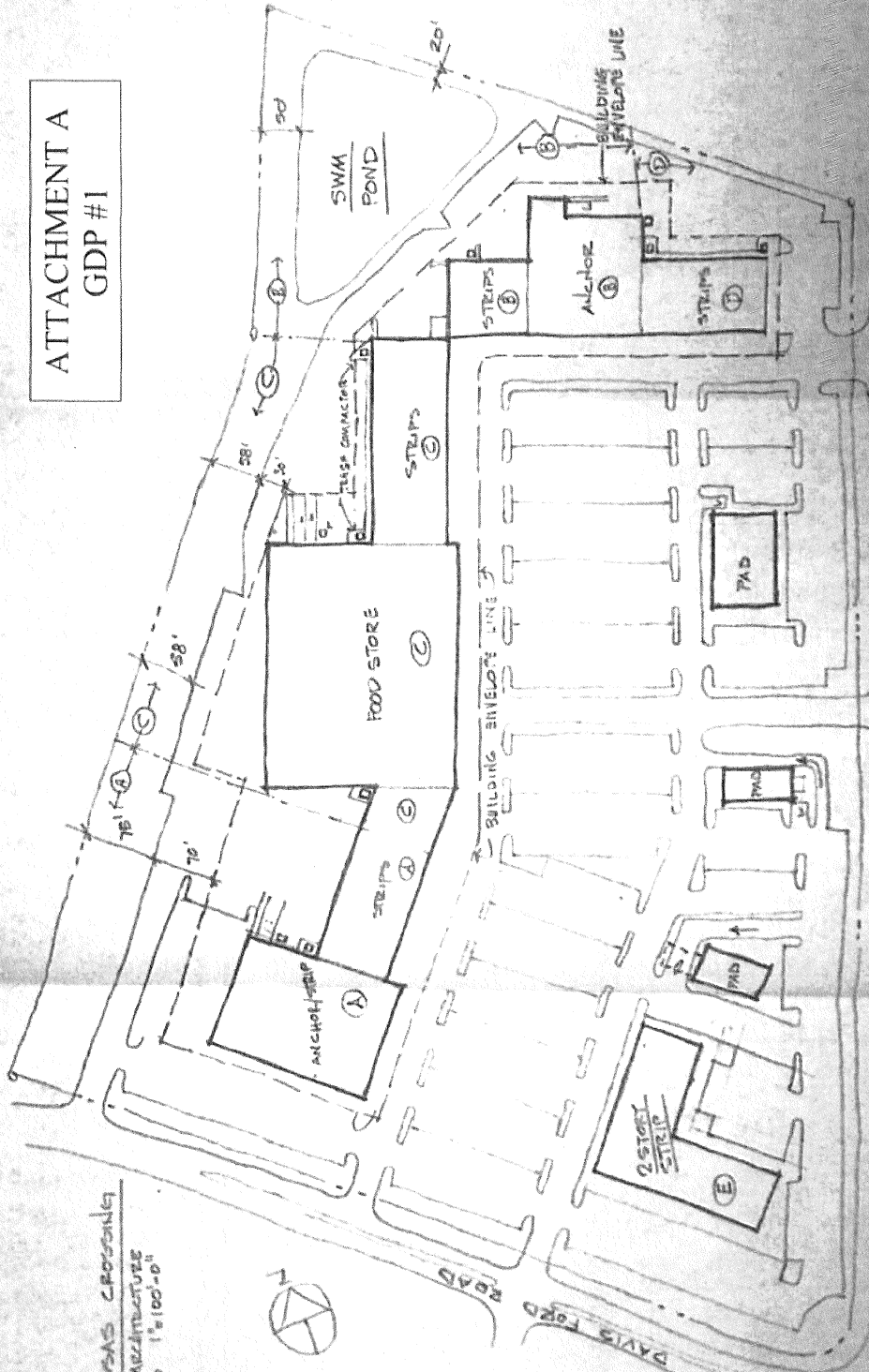
By: 
Name: Gary D. Rappaport
Title: Manager

ATTACHMENTS

- Attachment A - GDP #1, "Manassas Crossing," dated August 31, 1988
- Attachment B - Landscape Sheet, "Manassas Crossing," dated August 31, 1988
- Attachment C - GDP #2, "Pad Sites at Davis Ford Crossing – Overall Exhibit, dated November 2, 2015
- Attachment D - "Krispy Kreme Doughnuts – Exterior Elevations," dated November 4, 2015
- Attachment E - Site Plan prepared by Rinker, Detwiler and Associates dated January 1989
- Attachment F - GDP #3, General Development Plan prepared by The Spectra Group, dated March 19, 1993

ATTACHMENT A
GDP #1

MANASSAS CROSSING
MILVOVA ARCHITECTURE
5.31.85 1"=100'-0"



GROSS BLDG. AREA - 155,000 SF
PARKING PER CITY OF MANASSAS
ZONING ORDINANCE - T52

GDP FOOTPRINT PLAN

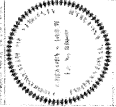




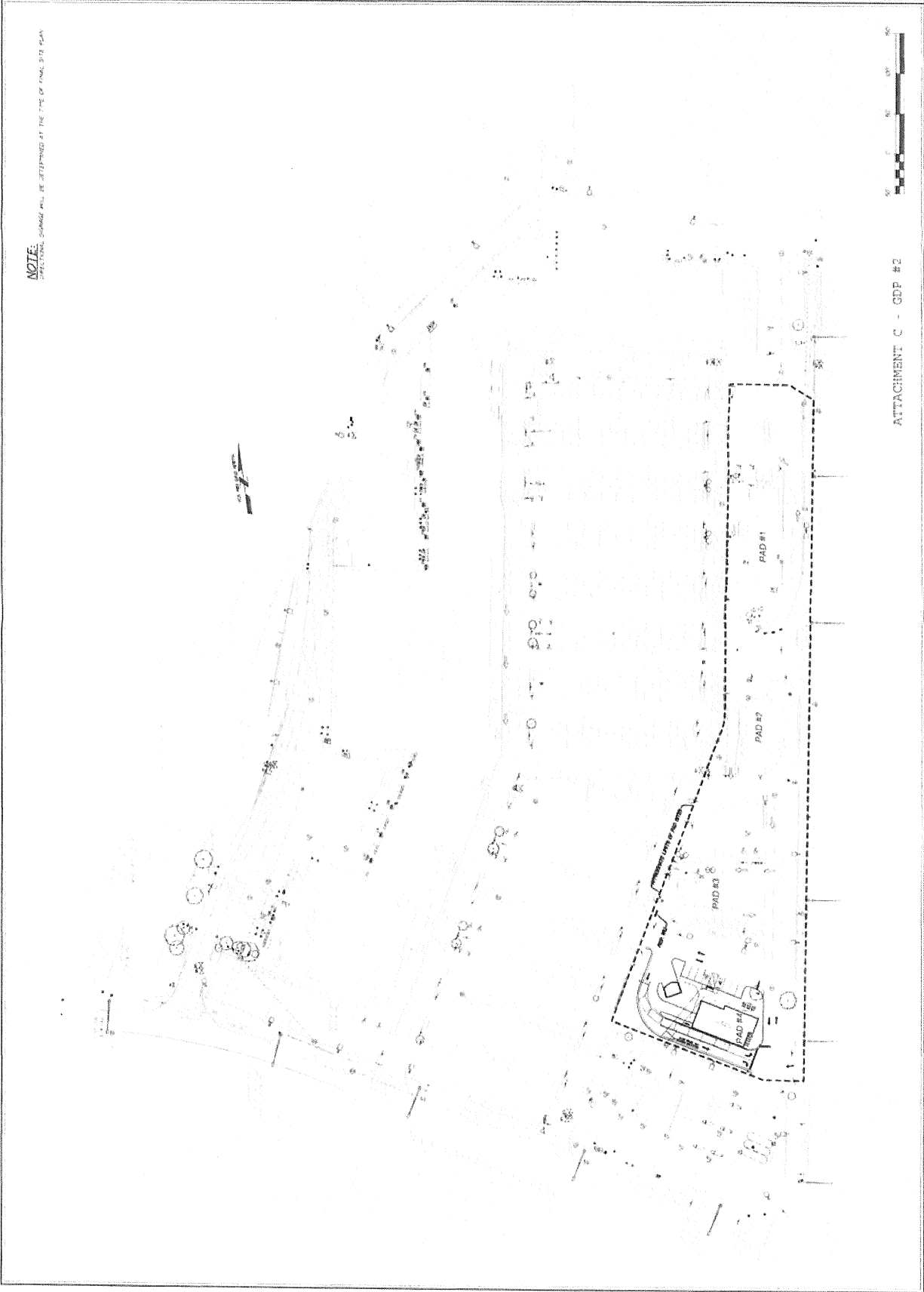
OVERALL EXHIBIT

PAD SITES AT
DAVIS FORD CROSSING

DATE	DESCRIPTION	BY	APP'D
10/15/11	ISSUED FOR PERMIT	J. W. BROWN	J. W. BROWN
10/15/11	REVISED PER COMMENTS	J. W. BROWN	J. W. BROWN
10/15/11	REVISED PER COMMENTS	J. W. BROWN	J. W. BROWN
10/15/11	REVISED PER COMMENTS	J. W. BROWN	J. W. BROWN



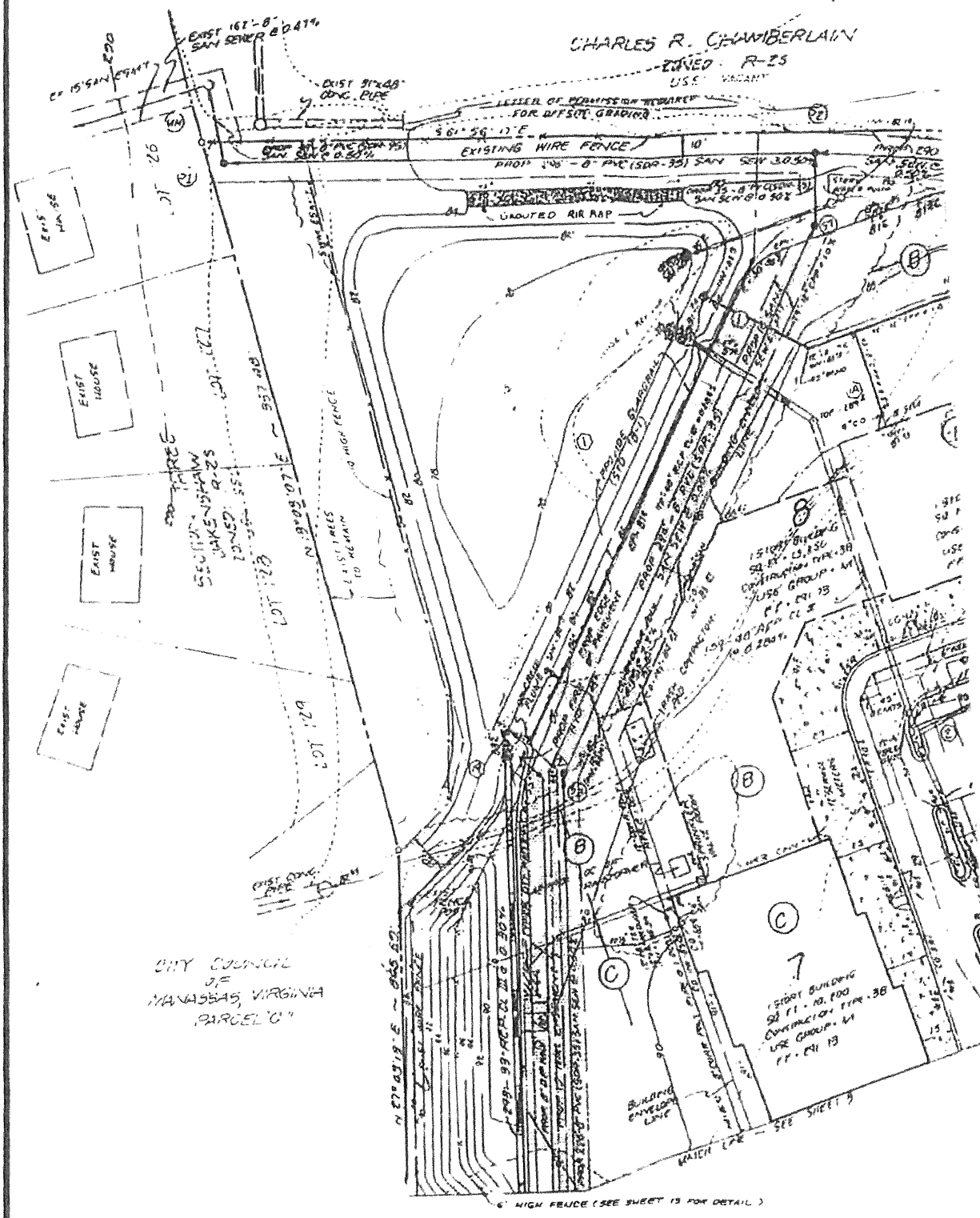
NOTE:
ADDITIONAL CHANGES WILL BE DETERMINED AT THE TIME OF FINAL SITE PLAN



ATTACHMENT C - GDP #2

ON A BARTH SPILL PILE
IT IS APPRECIATED THAT ROCK AND EARTH SPILL
WILL BE ENCOUNTERED IN THIS CONSTRUCTION AREA.
IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO
DETERMINE THE IMPACT THAT THE ROCK AND EARTH
SPILL WILL HAVE ON THIS SITE AND ROCK CONTACT
SHALL BE REFLECTED IN THE BID.

CHARLES R. CHAMBERLAIN
ENGINEER - R-25
USC VACANT



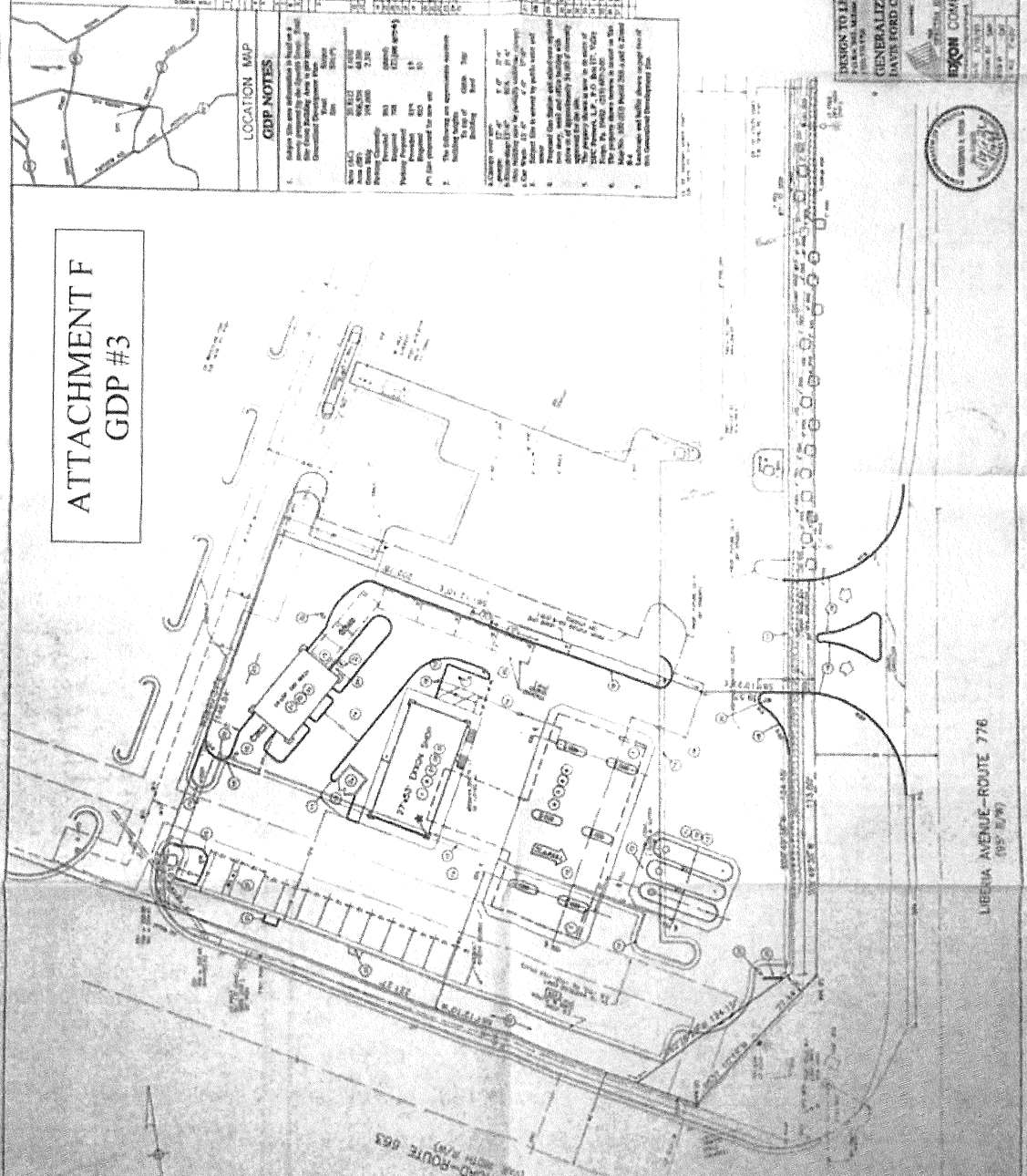
CITY COUNCIL
OF
MANASSAS, VIRGINIA
PARCEL "C"

7
1 STORY BUILDING
52 FT. x 13.85 FT.
CONSTRUCTION YEAR - 38
USE GROUP - M
P.P. - 24 13

NOTE: ALL CURB RADI/ ARE 25' UNLESS OTHERWISE NOTED

NOTE: IT SHALL BE THE RESPONSIBILITY OF THE
TO CONTACT ALL UTILITIES AND THE CITY OF
MOUNTS WHICH TO CONSTRUCTION TO BE DETERMINE
EXACT LOCATION OF ALL EXISTING UTILITIES.

ATTACHMENT F GDP #3



- GENERAL NOTES**
- 1. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
 - 2. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
 - 3. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
 - 4. ALL STORMWATER RUNOFF SHALL BE COLLECTED AND DISCHARGED TO AN APPROPRIATE RECEIVING WATER BODY.
 - 5. ALL TREE REMOVALS SHALL BE APPROVED BY THE LOCAL GOVERNMENT AND REPLACEMENT SHALL BE PROVIDED.
 - 6. ALL FILLING SHALL BE COMPACTED TO THE REQUIRED DENSITY AND PROTECTED FROM EROSION.
 - 7. ALL EXCAVATIONS SHALL BE PROTECTED FROM COLLAPSE AND PROTECTED FROM EROSION.
 - 8. ALL ADJACENT PROPERTIES SHALL BE PROTECTED FROM DAMAGE.
 - 9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.
 - 10. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
 - 11. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
 - 12. ALL STORMWATER RUNOFF SHALL BE COLLECTED AND DISCHARGED TO AN APPROPRIATE RECEIVING WATER BODY.
 - 13. ALL TREE REMOVALS SHALL BE APPROVED BY THE LOCAL GOVERNMENT AND REPLACEMENT SHALL BE PROVIDED.
 - 14. ALL FILLING SHALL BE COMPACTED TO THE REQUIRED DENSITY AND PROTECTED FROM EROSION.
 - 15. ALL EXCAVATIONS SHALL BE PROTECTED FROM COLLAPSE AND PROTECTED FROM EROSION.
 - 16. ALL ADJACENT PROPERTIES SHALL BE PROTECTED FROM DAMAGE.
 - 17. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.

LOCATION MAP

GDP NOTES

1. The following are representative maximum building heights:

Building Type	Maximum Height
Single-Family Residential	35' (10.7m)
Two-Family Residential	35' (10.7m)
Multi-Family Residential	35' (10.7m)
Commercial/Industrial	35' (10.7m)
Public/Institutional	35' (10.7m)
Office	35' (10.7m)
Manufacturing	35' (10.7m)
Warehouse	35' (10.7m)
Storage	35' (10.7m)
Utility	35' (10.7m)
Other	35' (10.7m)

2. The following are representative maximum setbacks:

Setback Type	Maximum Setback
Front	10' (3.0m)
Rear	10' (3.0m)
Side	10' (3.0m)
Other	10' (3.0m)

3. The following are representative maximum lot areas:

Lot Type	Maximum Lot Area
Single-Family Residential	10,000 sq. ft. (929 sq. m)
Two-Family Residential	10,000 sq. ft. (929 sq. m)
Multi-Family Residential	10,000 sq. ft. (929 sq. m)
Commercial/Industrial	10,000 sq. ft. (929 sq. m)
Public/Institutional	10,000 sq. ft. (929 sq. m)
Office	10,000 sq. ft. (929 sq. m)
Manufacturing	10,000 sq. ft. (929 sq. m)
Warehouse	10,000 sq. ft. (929 sq. m)
Storage	10,000 sq. ft. (929 sq. m)
Utility	10,000 sq. ft. (929 sq. m)
Other	10,000 sq. ft. (929 sq. m)

DESIGN TO LEARN
 10000000
 GENERALIZED DEVELOPMENT PLAN PAGE 1 OF 3
 DAVIS FORD CROSSING - GAS STATION & RELATED USES

EXXON COMPANY, U.S.A.
 10000000
 SITE PLAN
 DAVIS FORD ROAD & LIBERIA AVENUE
 PROJECT NO. 10000000

Special Use Permit Conditions

**SUP# 2016-03, Davis Ford Crossing Comprehensive Sign Package
9860 Liberia Avenue**

November 5, 2015

In addition to compliance with all applicable zoning, subdivision, and Design & Construction Standards Manual (DCSM) requirements, the development and use of the designated property shall be subject to the following conditions:

- 1. This special use permit is for a comprehensive sign package.
- 2. All signage on the Property shall comply with the standards set forth in the zoning ordinance, proffers, and Design and Construction Standards Manual (DCSM), with the exception that wall signage shall be permitted on one additional building face for each pad site identified in the attached exhibit entitled "Pad Sites at Davis Ford Crossing", prepared by LDC, dated November 2, 2015. The total wall sign area on each pad site permitted through this modification shall not exceed the total allowable wall sign area otherwise permitted under the zoning ordinance.
- 3. The aggregate area of all window signs on each window or door shall not exceed twenty-five percent (25%) of the total area of the window or door.
- 4. Except for grand opening events or temporary events (subject to a temporary event or sign permit), the use of banners, balloons, streamers, pendants, figurines, and similar attention-getting devices shall be strictly prohibited, including promotional signs affixed to the façade of the building, on light poles, or on other structures on the property.
- 5. The Zoning Administrator or designee may approve any changes to the overall sign design including font size, color, or illumination type provided that the total sign area and the number of signs does not exceed the sign regulations of the Zoning Ordinance or the conditions of this SUP.
- 6. A copy of the conditions for this special use permit shall be included with any sign permit application submitted to the City of Manassas.

Matthew D. Arcieri, Zoning Administrator

Date

This signature certifies that these conditions were approved by the Manassas City Council as part of the above referenced special use permit.

Attachment 4(b). Elevations

**PRELIMINARY
NOT FOR
CONSTRUCTION**

Revisions

EXTERIOR MATERIAL:	
<p>MASONRY</p> <p>TYPE: BRICK 7/8" JOINT MANUFACTURER: RED LUMBER WOOD COLOR: LIGHT GRAY FINISH: SMOOTH TELEPHONE: 918-855-8502</p> <p>TYPE: SOLID BRICK MANUFACTURER: CAROLINA COMBOS BRICK COMPANY COLOR: LIGHT GRAY FINISH: SMOOTH CONTACT: SCOTT BROWN TELEPHONE: 918-855-8502</p> <p>EXTERIOR INSULATION & FINISH SYSTEMS (EIFS)</p> <p>TYPE: EIFS FINISH: SAND COLOR: LIGHT GRAY EFS FINISH: SAND EFS COLOR: LIGHT GRAY EFS MANUFACTURER: SIKU EFS FINISH: SAND EFS COLOR: LIGHT GRAY EFS MANUFACTURER: SIKU</p> <p>TYPE: EIFS FINISH: SAND COLOR: LIGHT GRAY EFS FINISH: SAND EFS COLOR: LIGHT GRAY EFS MANUFACTURER: SIKU EFS FINISH: SAND EFS COLOR: LIGHT GRAY EFS MANUFACTURER: SIKU</p> <p>METAL</p> <p>TYPE: ALUMINUM FINISH: ANODIZED COLOR: LIGHT GRAY EFS FINISH: SAND EFS COLOR: LIGHT GRAY EFS MANUFACTURER: SIKU EFS FINISH: SAND EFS COLOR: LIGHT GRAY EFS MANUFACTURER: SIKU</p>	<p>TYPE: ALUMINUM FINISH: ANODIZED COLOR: LIGHT GRAY EFS FINISH: SAND EFS COLOR: LIGHT GRAY EFS MANUFACTURER: SIKU EFS FINISH: SAND EFS COLOR: LIGHT GRAY EFS MANUFACTURER: SIKU</p> <p>PAINT</p> <p>TYPE: ALUMINUM FINISH: ANODIZED COLOR: LIGHT GRAY EFS FINISH: SAND EFS COLOR: LIGHT GRAY EFS MANUFACTURER: SIKU EFS FINISH: SAND EFS COLOR: LIGHT GRAY EFS MANUFACTURER: SIKU</p> <p>LIGHTING</p> <p>TYPE: ALUMINUM FINISH: ANODIZED COLOR: LIGHT GRAY EFS FINISH: SAND EFS COLOR: LIGHT GRAY EFS MANUFACTURER: SIKU EFS FINISH: SAND EFS COLOR: LIGHT GRAY EFS MANUFACTURER: SIKU</p>

1 hereby proffer that the building and associated signage located on Pad #4 of the subject property unless an amendment thereto is mutually agreed upon by the City Council and the undersigned. of this application shall be in strict accordance with the elevation set forth in this submission.

Applicant

4 REAR ELEVATION
SCALE: 1/4" = 1'-0"

1 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

3 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

2 LEFT ELEVATION
SCALE: 1/4" = 1'-0"

Hyway Home

EXTERIOR ELEVATIONS

SHEET DATA

Project Location: 2471 90' FT FROM PROTOTYPE - BRCP
9800 LEBLANC AVE
MANASSAS, VA 20108

Drawn By: JTP
Checked By: GFL
Sheet No. A6

RAPPACORT

Contractor: 8405 Greenboro Drive, 8th Floor
McLean, VA 22102-5121
Phone: 703-441-1237
Fax: 703-441-1237

Contractor: 8405 Greenboro Drive, 8th Floor
McLean, VA 22102-5121
Phone: 703-441-1237
Fax: 703-441-1237

ACACI ARCHITECTS & ENGINEERS

2100 S. GARDNER ST., SUITE 200
FALLS CHURCH, VA 22034

MINUTES
City of Manassas
Planning Commission
Public Hearing Meeting

November 4, 2015 – 7:30 p.m.

Members Present: Harry Clark – Chairman
Bruce Wood – Vice-Chairman
Russell Harrison
Robert Schilpp
Elaine Trautwein
Martha Wilson

Members Absent: Ken Johnson

Staff: Matthew Arcieri – Planning & Zoning Services Manager
Kelly Davis – Senior Planner
Donna Bellows – Boards and Commissions Clerk

CALL TO ORDER

The Chairman called the meeting to order at 7:32 p.m.

PLEDGE OF ALLEGIANCE

DETERMINATION OF A QUORUM

Clerk took the roll, and a quorum was determined.

APPROVAL OF MINUTES – October 7, 2015

Mr. Wood motioned to approve the minutes as submitted. Ms. Wilson seconded the motion. The MOTION CARRIED UNANIMOUSLY BY VOICE VOTE.

COMMITTEE REPORTS

None

CITIZENS' COMMENT TIME (other than agenda items)

No citizens came forward to speak.

PUBLIC HEARING

The Chairman stated that the affidavit before him was signed by an authorized agent of the Prince William Today Newspaper and the advertisement for the public hearings listed on tonight's agenda were duly published in the newspaper in accordance with the law.

**SUP #2016-01
Life Celebration Center
9510 Technology Drive**

Ms. Davis informed the Planning Commission of a request to allow a 395-seat place of assembly in an existing 18,200 square foot office building located to the south of Nokesville Road at the intersection of Technology Drive and Foster Drive. The applicant proposes alterations to the first floor building interior to accommodate the place of assembly use. The second floor will house accessory offices and classrooms for religious instruction.

Staff finds that the applicant’s proposal is generally consistent with the comprehensive plan and, with the proposed mitigating conditions, is compatible with existing adjacent land uses and patterns of development. Staff recommends approval of SUP #2016-01, Life Celebration Center, as conditioned dated October 30, 2015.

Applicant, David Sanzo, thanked the staff and the Planning Commission for giving them the opportunity to present their application.

Planning Commission Discussion

None

Citizens’ Comments

None came forward to speak.

Mr. Wood motioned to close the public hearing. **Mr. Harrison** seconded the motion.

Roll Call by Clerk:

Mr. Wood	Y
Mr. Harrison	Y
Mr. Schilpp	Y
Ms. Trautwein	Y
Ms. Wilson	Y

The MOTION PASSED UNANIMOUSLY.

Planning Commission Discussion

- None

Mr. Schilpp moved to recommend approval of SUP #2016-01, as conditioned. **Mr. Wood** seconded the motion.

Roll Call by Clerk:

Mr. Schilpp	Y
Mr. Wood	Y
Mr. Harrison	Y
Ms. Trautwein	Y
Ms. Wilson	Y

The MOTION PASSED UNANIMOUSLY.

**REZ #2016-01 & SUP #2016-03
Davis Ford Crossing Proffer Amendment & Sign Package
9860 & 9879 Liberia Avenue**

Ms. Davis informed the Planning Commission of the request for a proffer for the Davis Ford shopping center to increase the number of pad sites from three to four, increase the allowable height on the fourth pad site from 15' to 17'6", and increase the number of drive-thru fast food restaurants allowed on the property from two to three. The proffer amendment would replace and consolidate the current proffers approved for this property as part of REZ #1993-02, REZ #2003-01, and REZ #2013-01. This special use permit would also allow a third wall sign on each pad site.

Ms. Davis explained that the proposal included revised application materials modified to address comments from the Neighborhood Relations Committee (NRC) as described in the staff memorandum dated November 4, 2015. This included proffered substantial conformance to four-sided, all-brick elevations and minor modifications to the generalized development plan (GDP).

Staff finds the applicant's proposal to be generally consistent with the comprehensive plan and, with the proposed mitigating proffers, is compatible with the existing adjacent land uses and patterns of development.

Staff recommends approval of REZ #2016-01 Davis Ford Crossing Proffer Amendment, as proffered, subject to the revised elevations and GDP. Staff also recommends approval of SUP #2016-03, as conditioned, dated October 30, 2015.

Applicant, Jay du Von, presented a detailed PowerPoint presentation of the overall progress/process of the application.

Planning Commission Discussion

- Questions were raised regarding traffic and circulation within the drive-thru and site entrance.
- The applicant responded that signage and additional striping will be coordinated with Public Works and approved as part of site plan.

Citizens' Comments

Jim Rogers, 8513 Troutman Court, spoke in favor of the application.

Mr. Wood motioned to close the public hearing. **Mr. Schilpp** seconded the motion.

Roll Call by Clerk:

Mr. Wood	Y
Mr. Schilpp	Y
Mr. Harrison	Y
Ms. Trautwein	Y
Ms. Wilson	Y

The MOTION PASSED UNANIMOUSLY.

Planning Commission Discussion

- None

Mr. Schilpp moved to recommend approval of REZ #2016-01 and SUP #2016-03 as presented. Mr. Wood seconded the motion.

Roll Call by Clerk:

Mr. Schilpp	Y
Mr. Wood	Y
Mr. Harrison	Y
Ms. Trautwein	Y
Ms. Wilson	Y

The MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

Ms. Davis updated the Commission on the downtown traffic calming areas.

Mr. Arcieri updated the Commission on the pending land use cases.

ADJOURNMENT

Ms. Wilson motioned to adjourn the meeting. **Mr. Harrison** seconded the motion. **The MOTION CARRIED UNANIMOUSLY BY VOICE VOTE** and the meeting was adjourned at 8:25 p.m.

 Harry Clark, Chairman

 Date

 Donna J. Bellows, Planning Commission Clerk

 Date

**PLANNING COMMISSION
RESOLUTION**

**Re: REZ #2016-01: Davis Ford Crossing
9860 & 9879 Liberia Avenue**

WHEREAS, the City of Manassas Planning Commission held a public hearing on November 4, 2015 to hear a request to amend and consolidate the proffers of REZ #1993-02, REZ #2003-01, and REZ #2013-01 to increase the number of pad sites from three to four, increase the allowable height on the fourth pad site to 17'6", and increase the number of drive-thru restaurants from two to three; and

WHEREAS, the Commission has heard from the City staff, and the public with regards to this land use matter; and

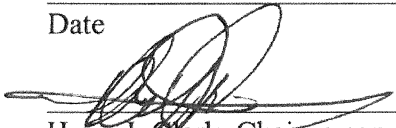
WHEREAS, approval of the rezoning request with the proposed proffers is not projected to have an adverse impact on the community; and

WHEREAS, the application is found to be in general conformance with the existing Comprehensive Plan and policies of the City of Manassas.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission hereby **RECOMMENDS APPROVAL** of REZ #2016-01, as proffered, subject to the incorporation of the revised elevations and GDP.

4 Nov 15

Date



Harry J. Clark, Chairperson

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**PLANNING COMMISSION
RESOLUTION**

**Re: SUP #2016-03: Davis Ford Crossing
9860 & 9879 Liberia Avenue**

WHEREAS, the City of Manassas Planning Commission held a public hearing for Special Use Permit #2016-03 on November 4, 2015; and

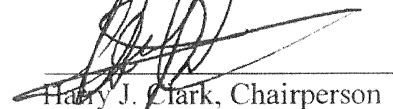
WHEREAS, the Commission has heard from the City staff, and the public with regards to this land use matter; and

WHEREAS, the application is found to be in general conformance with the existing zoning and related plans and policies of the City of Manassas; and

WHEREAS, approval of the special use permit is not projected to have an adverse impact on the community provided the reasonable recommended conditions are followed.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission hereby **RECOMMENDS APPROVAL** of SUP #2016-03, as conditioned.

4 Nov 15
Date


Harry J. Clark, Chairperson

AGENDA STATEMENT

PAGE NO. 125

ITEM NOS 22+23

MEETING DATE: December 15, 2015

TIME ESTIMATE: 30 minutes

AGENDA ITEM TITLE: Closed Meeting Discussions

**DATE THIS ITEM WAS
LAST CONSIDERED
BY COUNCIL:**

**SUMMARY OF
ISSUE/TOPIC:** If the City Council votes to hold a closed meeting, the Council will be required to certify by resolution that the meeting was held in conformance with the amended Virginia Freedom of Information Act.

**STAFF
RECOMMENDATION:** Approve closed meeting motion and certification motion.

**BOARD/COMMISSION/
COMMITTEE:**

RECOMMENDATION: Approve Disapprove Reviewed See Comments

CITY MANAGER: WPP Approve Disapprove Reviewed See Comments

COMMENTS:

**DISCUSSION
(IF NECESSARY):** Attached is a new form for motions to enter a closed session and afterwards to certify the closed session.

**BUDGET/FISCAL
IMPACT:**

STAFF: W. Patrick Pate, City Manager

If Council Members have questions, you are urged to call the staff person who prepared this agenda statement prior to Council Meeting.

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MOTION FOR CONVENING CLOSED MEETING
(requires recorded roll call vote)

I move that Council convene in closed session to discuss appointments to boards, committees and commissions; to consult with legal counsel pertaining to actual or probably litigation, since such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically actual litigation regarding Niece Penny LLC v. City of Manassas, Case No. CL15-4202 in the Prince William Circuit Court; and to discuss or consider the acquisition of real property for a public purpose, or of the disposition of publicly held real property, since discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, as permitted by Virginia Code § 2.2-3711 Paragraphs A (1), (3), and (7) (Part 1), for which the Virginia Freedom of Information Act permits discussion in closed session.

CERTIFICATION MOTION AFTER RECONVENING IN PUBLIC SESSION:
(requires recorded roll call vote)

I move that the Council certify that, in the closed session just concluded, nothing was discussed except the matter (1) specifically identified in the motion to convene in closed session and (2) lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information act cited in that motion.